

**MANAGING DISPUTED
TERRITORIES, EXTERNAL
MINORITIES AND THE STABILITY
OF CONFLICT SETTLEMENTS.**

**A COMPARATIVE ANALYSIS
OF SIX CASES.**

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Abstract

This thesis examines the conditions under which ethno-territorial cross-border conflicts can be resolved successfully. Ethno-territorial cross-border conflict is a type of ethnic conflict in which competing territorial and ethnic claims of distinct state and group actors occur; and this manifests itself primarily on three interrelated levels – inter-group conflict, conflict between the external minority and the institutions of its host-state, and the (territorial) conflict between host- and kin-state.

An initial theoretical exploration of the subject establishes the framework of the subsequent study of individual cases, examining why the similar conflicts in Alsace, the Saarland, South Tyrol, and Northern Ireland required fundamentally different solutions. In addition to this, the condominia of Andorra and the New Hebrides are analysed, providing the basis upon which the concept of a condominium-style settlement for ethno-territorial cross-border conflicts is explored. By looking at the workings of integration, traditional consociation and consociation with permanent institutionalised kin-state involvement, secession, and condominium, the complexity of factors is studied that influence the development of ethno-territorial cross-border conflict, including inter-ethnic and intra-ethnic dimensions and the policies of the host and kin-state in relation to the conflict and each other. Thus refined, the analytical framework allows determining the conditions that must be fulfilled to provide lasting stability to a negotiated settlement. This set of stability criteria creates a paradigm that has relevance as an analytical tool beyond the case studies conducted in this thesis. It can be used to design case-specific solutions to actual ethnic conflicts and it can serve as an instrument to recognise instabilities in, and potential breakdowns of, existing settlements sufficiently early to respond to them constructively and to avoid a re-escalation of an already settled conflict.

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Preface

On hearing that John Hume and he had been awarded the 1998 Nobel Peace Prize, Ulster Unionist Leader David Trimble noted that he hoped this was not a premature decision. Peace deals had been made in Northern Ireland before – and broken down. Yet, when after thirty years and the death of more than three thousand people, representatives of political parties from both communities in Northern Ireland and of the governments of the United Kingdom and the Republic of Ireland agreed a comprehensive peace deal, international enthusiasm was unanimous. Brokered after intense negotiations under international mediation, the 1998 Good Friday Agreement was hailed as a breakthrough to permanent peace in the troubled region. A subsequent referendum endorsed the agreement north and south of the border, and elections to the new Northern Ireland Assembly returned a majority of pro-agreement politicians.

Was Trimble's scepticism mere political rhetoric? Hardly. The strains that the Good Friday Agreement has had to endure so far have been enormous – the Omagh bombing in August, 1998, the Garvaghy Road siege in Portadown that began during the Protestant Orange Order marching season and, after several months, has still not being called off, the delay in setting up an Executive for Northern Ireland, the pending police reform, and most critical of all thus far, the question of the decommissioning of paramilitary weapons. Nevertheless, the agreement holds.

Six years earlier and one and a half thousand miles away from Northern Ireland, another conflict had been formally ended when Austria and Italy put their decade-long dispute over South Tyrol and its German-speaking minority to rest and deposited respective declarations with the United Nations. It had taken twenty-three years to implement an agreement that the Italian government and the South Tyrolese People's Party concluded in 1969. After fifty years of failed policies of assimilation, resettlement, and expulsion on the part of successive Italian governments and shattered South Tyrolese hopes of secession and reunion with Austria, the conflicting parties agreed upon a consociational settlement that has since proven remarkably stable. Why was this possible in 1969 in South Tyrol but not in Northern Ireland in 1973?

Geographically situated between Northern Ireland and South Tyrol, Alsace and the Saarland faced similar conflicts, yet the solutions adopted for each were fundamentally different and lie on opposite sides of a dichotomy of democratic settlements of ethnic conflicts. The German-speaking community of Alsace has been politically integrated and culturally assimilated into French society. The population of the Saarland twice rejected anything less than reunification with Germany. Despite their different outcomes, neither of the two conflicts hindered Franco-German reconciliation after 1945, nor have they, once resolved, been further sources of instability in this part of Europe. A paradox or an important lesson to learn?

These questions would be less intriguing if it were not for the fact that all the conflicts mentioned show great similarities in a number of striking ways. The stakes in all of them are ethnic as well as territorial. The conflicting parties involved are ethnic groups and the states linked to them through common nationality.

Northern Ireland, South Tyrol, Alsace, and the Saarland are more or less classic examples of this kind of ethnic conflict, which I will refer to as ethno-territorial cross-border conflict, indicating both the dimensions of ethnicity and territory as well as the potential for internationalisation. Given European history, it is not surprising that this type of conflict is very common. The rise and demise of empires, border changes, especially after the First and Second World Wars, and migration created incompatible political and ethnic frontiers in Europe. The conflicts that resulted from this incompatibility played an important role in the collapse of the Versailles order imposed on Europe. After 1945 and during the Cold War they were less prominent in Soviet controlled Central and Eastern Europe, yet the re-emergence of internal and external minority and majority nationalisms after 1989 is ample proof that they had been suppressed rather than resolved. In Western Europe as well, conflicts that had been sidelined, such as the various Greek-Turkish territorial disputes in the Aegean Sea, intensified again, and for a short time in 1991 an Italian-Slovenian border dispute seemed likely.

All this highlights that ethno-territorial cross-border conflicts are, unfortunately, not a matter of the past. Europe will have to confront them in the future as well. While this is not the

bright future European and world leaders had in mind when they enthusiastically welcomed the changes in the Eastern Bloc after 1989, the prospects are not too bleak either given that democratic societies in Western Europe can look back at a tradition of successful conflict settlement over the past decades.

To date there has been no European comparative analysis that has examined the conditions under which a variety of possible solutions have proven stable in reality, so that the lessons learned from them may be applied to other conflicts. This is what I set out to accomplish in this study.

This is not to say that there is a single ultimate solution for ethno-territorial cross-border conflicts, but rather that a variety of solutions are potentially qualified to be adopted for an ethno-territorial cross-border conflict, and that the specific contextual circumstances of each individual conflict determines which of them will provide a stable institutional framework for the accommodation of competing claims in the long-term. Thus, my main focus will not be on how a particular settlement was achieved, but instead on the conditions that are necessary to ensure its long-term stability. However, in order to do so it is necessary to study both the conflicts themselves as well as the processes of negotiating and implementing a settlement. This will help to illustrate which circumstances are indicative of continued accommodation and conciliation or of potential breakdown. Analysing settlements to assess their stability identifies the criteria that are conducive to stable settlements.

The choice of cases to accomplish this task has been deliberate. Each offers a distinct solution covering the whole range of democratically possible approaches to ethno-territorial cross-border conflicts – integration in Alsace, secession in the Saarland, consociation in South Tyrol, and a consociation with permanent institutional involvement of the external minority's kin-state in Northern Ireland. Each of the four cases also offers the opportunity to study different policies pursued by the parties involved. Ethnic group politics as well as state policies will be discussed at length and analysed concerning their impact on the conflict and its settlement. In contrast to most of the existing literature in the field, I will also focus specifically

on the bilateral relations between the two states involved, whose different agendas considerably influenced the eventual structure of the each settlement. Although I am not attempting to develop a comprehensive theory of what Brubaker¹ calls “homeland nationalism”, this widely neglected aspect of conflict settlement will be afforded significant attention to contribute to the understanding of conflict resolution and settlement stability. A further question that I will explore is whether an alternative model settlement can be developed based upon the concept of what O’Leary has referred to as a democratised condominium. As I will argue in the context of two further case studies – Andorra and the New Hebrides – adopting and adapting a condominium-style settlement for ethno-territorial cross-border conflicts may be the only possible, although not problem-free, solution in cases of severe inter-ethnic, and possibly inter-state, conflict with incompatible claims of national belonging being at stake.

All case studies are embedded in a theoretical framework in which I develop a set of analytical tools for assessing the stability of distinct model solutions for ethno-territorial cross-border conflicts. In the chapter preceding the case studies, I examine all of the different factors that one can reasonably assume to have an impact on the development and settlement of an ethno-territorial cross-border conflict. These factors are then used to undertake a detailed analysis of each single case, thus supplying the necessary data in identical categories. Using these data subsequently on a more abstract level outside the context of each specific case study provides the basis upon which general stability criteria for each model solution can be extracted.

In 1946, the Italian Chief Negotiator at the Paris Peace Conference, Nicola Carandini, wrote about the Austro-Italian Paris Agreement, “If this agreement proves functional, which will include a mutual sacrificing of Italian sovereignty and Austrian territorial claims, it will be first of all due to the spirit of goodwill from which the parties proceeded and in which they signed the agreement.”² Identifying the conditions under which this good will prevails through

¹ Cf. Rogers Brubaker, *Nationalism Reframed* (Cambridge: Cambridge University Press, 1997)

² Quoted in Autonome Provinz Bozen—Südtirol (ed.), *Ein Weg für das Miteinander. 20 Jahre Neue Autonomie in Südtirol* (Bolzano/Bozen: Amt für Pressewesen und Öffentlichkeitsarbeit, 1992), p. 6.

the implementation and operation of a negotiated settlement is the task I have set out to accomplish in this study.

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PART ONE
A FRAMEWORK FOR THE STUDY OF
ETHNO-TERRITORIAL CROSS-BORDER
CONFLICTS AND THEIR SETTLEMENTS

I. Conceptual Clarification: External Minorities and Disputed Territories

Developments in international law since the end of the Second World War have resulted in a general advancement in human rights law and in the development of certain standards of minority protection. However, they have failed to produce a universally agreed definition of the term 'minority'. This failure has its source in a much deeper problem, namely the understanding of the concepts of ethnic group and nation, or of ethnic and national identity. The wide variety of conceptual approaches to either has not helped to forge consensus among scholars or practitioners on the issue.³ In order to understand what an external minority is, to what issues its existence gives rise, and how it is linked to the notion of a disputed territory, a number of aspects need to be investigated more thoroughly. Naturally, these include 'external' and 'minority', and in relation to them 'kin-state', 'host-state', and 'disputed territory'.

By external minority, I mean an ethnic group that, while residing in one state (the host-state) is related through shared cultural, religious or linguistic characteristics, which it wishes to preserve, and through kinship to the titular nation of another, often neighbouring, state (the kin-state). A disputed territory is an area which two or more states claim should be rightfully incorporated into their respective borders. Such claims are often justified with recourse to geographic boundaries, economic and social development, historical events, and/or ethnic kinship with the resident population.⁴

Yet, the full complexity of the two concepts 'external minority' and 'disputed territory' and of their relationship to one another can not be understood unless the very foundation of the relationships between the external minority, kin-state and host-state has been examined as well; and this foundation is best described in terms of 'nation', 'ethnicity', and 'territory'.

The relationship between external minority and host-state is one of distinct ethnicity within the boundaries of a civic or territorial nation. In contrast, the relationship between

³ These have been thoroughly analysed by Walker Connor in his *Ethnonationalism. The Quest for Understanding* (Princeton, NJ: Princeton University Press, 1994)

⁴ In the words of Margaret Moore, claims to land are commonly justified by one or more of the following: indigenesness, historic entitlement, divine rights, and superior culture. Cf. Margaret Moore, 'The Territorial Dimension of Self-Determination', in Margaret Moore (ed.), *National Self-Determination and Secession* (Oxford: Oxford University Press, 1998), pp. 134-158, here pp. 142-149.

external minority and kin-state is characterised by common ethnicity and the ethnic, yet territorially divided nation.

Ethnicity and Nation

According to Walker Connor, 'ethnicity (the identity with one's ethnic group) ... is derived from *Ethnos*, the Greek word for nation in the latter's pristine sense of a group characterised by common descent.'⁵ In contemporary scholarship, definitions of ethnicity vary greatly. A basic distinction can be made between a primordial school, which holds that 'ethnicity is so deeply rooted in historical experience that it should properly be treated as a given in human relations', and an instrumentalist school, which argues that 'ethnicity is not a historical given at all, but in fact a highly adaptive and malleable phenomenon' or that 'ethnicity is primarily a practical resource that individuals and groups deploy opportunistically to promote their more fundamental security and economic interests and that they may even discard when alternative affiliations promise a better return.'⁶ While the tangible aspects of ethnicity, such as customs, traditions, language or religion, and their social and political implications that are emphasised by instrumentalists are important components of an individual's or group's ethnic identity as they allow more easily to draw boundaries between in-group and out-group, they can not fully explain the phenomenon in relation to the intense emotions that 'ethnic issues' generate.

Anthony Smith has described an ethnic group as 'a type of cultural collectivity, one that emphasises the role of myths of descent and historical memories, and that is recognised by one or more cultural differences like religion, customs, language, or institutions.'⁷ As a self-defined community, ethnic groups are distinguishable by a collective proper name, a myth of common ancestry, shared historical memories, one or more differentiating elements of common culture, the association with a specific homeland, and a sense of solidarity for significant sectors of the population.⁸ Similarly, Horowitz has advocated for an inclusive conception of ethnicity that

⁵ Ibid., p. 100.

⁶ Milton J. Esman, *Ethnic Politics* (Ithaca, N.Y.: Cornell University Press, 1994), pp. 10-11.

⁷ Anthony D. Smith, *National Identity* (London: Penguin, 1991), p. 20.

⁸ Ibid., p. 21.

'embraces differences identified by colour, language, religion, or some other attribute of common origin.'⁹ This link between tangible and intangible aspects is key to understanding the political implications of ethnic identity and of the formation of conflict groups based on ethnicity. Connor has noted that tangible characteristics are only important inasmuch as they 'contribute to this notion or sense of a group's self-identity and uniqueness.'¹⁰ In turn, then, a threat to, or opportunity for, these tangibles, real or perceived, is considered as a threat to, or opportunity for, self-identity and uniqueness. Confronting this threat or taking this opportunity leads to ethnicity being politicised, that is, to the ethnic group becoming a political actor by virtue of its shared ethnic identity. As such, ethnic identity 'can be located on a spectrum between primordial historic continuities and instrumental opportunistic adaptations.'¹¹

This will become very obvious from the following case studies. Among Alsatians, there has always been a sense of historic community that has prevailed over the centuries regardless whether Alsace as a territory was united or split, ruled from Paris or Berlin. This sense of community was most closely related to two other aspects of Alsatian identity. Historically, the older of these two aspects is the Alsatian dialect, an Alemannic variety of which no written form exists, but which is regarded as a central component of Alsatian identity. The other aspect which gained prominence as a factor of politicising Alsatian ethnicity for the first time during the Bismarckian *Kulturkampf* period after 1871 is the special religious status of Alsace manifest in the Napoleonic concordat and the confessional schools system both of which continue to exist until today, even though they have lost much of their social relevance as society in Alsace became more urban and more secular. Dialect and religious structure are both considered part of Alsatians' ancient rights, their *Heimatrechte*. They are a factor of regional distinctiveness and remain a focal point of Alsatian identity.

While Alsatians have always insisted on their distinctiveness from both French and Germans, matters were rather different in the Saar, where a powerful irredentist/secessionist

⁹ Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley, CA: University of California Press, 1985), p. 41.

¹⁰ Connor, *Ethnonationalism*, p. 104.

¹¹ Esman, *Ethnic Politics*, p. 15.

movement succeeded twice in this century to reunite the territory with Germany after it had been occupied by France. In the Saar, the prominent and politically impactful aspect of ethnic identity was the question of national belonging. Unquestionably German in their culture and language, the very foundation of the Saar population's identity and of the conditions of its preservation, expression, and development have, for an ever increasing majority in the years leading up to the referenda of 1935 and 1955, been linked to the social, political, and economic integration of their historic homeland into the boundaries of Germany.

This notion of territorial national belonging has played a similarly essential role for the distinct identities of the two communities in Northern Ireland. For Nationalists, the unification of Ireland has been the overarching goal that has united the different political wings of nationalism and has instilled the community as a whole with a sense of commonality relating to the fact that they regard themselves above all as Irish, are of common Irish origin and share the aspirations for a future in a united Ireland. For the Unionist community, their British identity has been manifest in its members focussing on the United Kingdom and the maintenance of all social, political, economic, cultural, and institutional links. While religion, for many in both communities is an additional marker roughly coinciding with the boundaries indicated by different conceptions of national belonging, the perceived threat to their religious freedom and traditional way of life potentially resulting from concessions to Nationalists or Irish unification has added to the sense of community among Unionists, who are predominantly Protestant. Likewise, shared memories of religious oppression prolonged by the (continuing) experience of discrimination has increased feelings of solidarity among Nationalists, who are of predominantly Catholic confession.

For a number of different factors that will be explored in greater detail below, national belonging, in its territorial sense, has not been the predominant aspect of ethnic identity in South Tyrol. The ethnicity of the German population there never being in doubt, focal points of their identity have been aspects related to the historically ethnic character of the territory, which has always been regarded as the foundation of South Tyrolese ethnic identity; and the preservation

of this character was and is non-negotiable for the majority of South Tyrolean Germans as they see it as the essential condition for the survival of their distinct identity, including their language, special brand of Catholicism, traditions, and customs all of which give them a sense of community and have created a very rare example of intra-communal solidarity, namely the persistence of an almost exclusive one-party system for the representation of their interests in the political arena.

The difference in focal points of ethnic identity leads to different political agendas that groups develop in order to achieve conditions that they deem conducive to the preservation, expression, and development of these identities.

Table 1: Focal Points of Ethnic Identity and Political Agendas

Group	Foci of Identity	Political Agenda
Alsations	<ul style="list-style-type: none"> • Language, religious status 	<ul style="list-style-type: none"> • Preservation of cultural distinctiveness
Saarlanders	<ul style="list-style-type: none"> • National belonging 	<ul style="list-style-type: none"> • Unification with Germany
German South Tyrolean	<ul style="list-style-type: none"> • Ethnic character of homeland, language, religion, customs, and traditions 	<ul style="list-style-type: none"> • Gaining sufficient autonomous powers to preserve ethnic character of homeland
Nationalists in Northern Ireland	<ul style="list-style-type: none"> • Irishness, shared memories and experience of oppression and discrimination under British/Unionist rule 	<ul style="list-style-type: none"> • Unification with Ireland
Unionists in Northern Ireland	<ul style="list-style-type: none"> • Britishness, feared consequences of concessions to Nationalists and Irish unification 	<ul style="list-style-type: none"> • Maintaining integration with the United Kingdom

Conflict and Patronage

In their attempts to preserve, express, and develop their respective ethnic identities, all the above groups perceive threats and opportunities. The more deeply felt these perceptions are, the more they will be linked to the very survival of the group and the more intense will the conflict be that they can potentially generate. This links the issues of ethnicity and nation to the notion of power, that is, to 'the opportunity to enforce one's will against resistance, regardless of what

created the opportunity.’¹² The political implication of this connection between ethnicity/nation and power is that any ethno-national group that is conscious of its uniqueness and wishes to preserve it is involved in a struggle for political power – either retaining the measure of political power it possesses or striving to acquire the amount of power that it deems necessary to preserve its uniqueness as a distinct ethno-national group, that is, to defeat the threats and seize the opportunities it faces. This desire to gain political power for an ethnic group is expressed in the concept of nationalism; according to Smith ‘an ideological movement aiming to attain or maintain autonomy, unity and identity for a social group which is deemed to constitute a nation.’¹³ Informed by the principle of self-determination, which goes back to Kant’s concept of the autonomy of the individual, ethno-national movements make claims on behalf of people, yet the implications of these claims are very often of a territorial nature – on one end of the spectrum, demands are raised for local or regional autonomy (internal self-determination), and on the other, secessionist movements become active or irredentist policies are pursued (external self-determination).

Conflicting doctrines of ethno-nationalisms are at the centre of the relationship between external minority and host-state, and it is in this context that opportunity and threat have various, yet concretely identifiable meanings. In general, opportunities and threats are positively and negatively related to the preservation, expression, and development of a group’s ethnic identity and to the ability of the host-state to preserve the integrity of the territorial or civic nation. For the external minority, opportunities will manifest themselves, for example, in rights, self-administration, or self-government, and they can be realised in local, regional, or federal frameworks within the host-state; alternatively, opportunities may also arise in the separation from the host-state leading either to independent statehood or to unification with the kin-state. Threats generally occur when state institutions deny an ethnic group access to the resources that are essential for the preservation, expression, and development of a group’s identity – access to linguistic, educational, or religious facilities as well as to positions of power in the institutions

¹² Weber, *Wirtschaft und Gesellschaft*, p. 28.

of the state. Threats can become manifest in policies of unwanted assimilation, in discrimination, and deprivation. At their most extreme, they take the form of ethnic cleansing and genocide.

It is in these most extreme cases that the relationship between external minority and host-state coincides with that between external minority and host-nation, that is, the titular nation of the state (in Weber's sense of an organised system of rule within clearly defined territorial boundaries¹⁴) has monopolised the institutions of this state. Although recent history has provided a number of examples of this kind – Nazi Germany, the former Yugoslavia, and Rwanda – this is, nevertheless not the rule. Yet, even in its less extreme forms, the relationship between external minority and host-nation is often characterised by inter-ethnic tension, resulting from different ethnic identities and claims for the establishment of conditions conducive to their preservation, expression, and development. Responses to such claims made by the respectively other ethnic group are then perceived as threats (which often, but not exclusively result from resource competition) and/or opportunities (which often, but not exclusively result from policies of accommodation).

Thus, the relationships of an external minority with its host-state and host-nation bear potential for conflict in abundance. In general, the term conflict describes a situation of social tension in which two or more actors who interact with each other pursue incompatible goals, are aware of this incompatibility, and claim to be justified in the pursuit of their particular course of action to realise their goals. Ethnic conflicts are one particular form of such social conflict, namely that in which the goals of at least one conflict party are defined in (exclusively) ethnic terms and in which the primary fault line of confrontation is one of ethnic distinctions. Whatever the concrete issues over which conflict erupts (e.g., language, religious, or cultural rights and/or corresponding claims to conditions conducive to their realisation), at least one of the conflict parties will explain its dissatisfaction in ethnic terms, i.e., will claim that its distinct ethnicity, and lack of recognition thereof and/or equality of opportunity to preserve, express,

¹³ Smith, *National Identity*, p. 51.

and develop it, is the reason why its members can not realise their interests, why they do not have the same rights, or why their claims are not satisfied. Thus, ethnic conflicts are a form of group conflict in which at least one of the parties involved interprets the conflict, its causes, and potential settlements along an existing or perceived discriminating ethnic divide. In other words, ethnic conflict is a type of group conflict in which at least one party to the conflict is a group actor whose primary focus of identity is ethnicity. In relation to external minorities, ethnic conflict can either occur as state-group conflict, i.e., conflict between the external minority and the institutions of its host-state, or as inter-ethnic conflict, i.e., between the external minority and its host-nation. The two may, but need not, occur simultaneously or coincide. In addition, as ethnic conflicts are rooted in the perception of threats and the policies formulated to counter them, an external minority situation may also lead to conflict between host-nation and host-state – as a result of an actual or perceived ‘over-accommodation’ of the interests of the external minority, which the host-nation may regard as being detrimental to its own interests. This is very often, but not necessarily, the case where accommodation of external minority interests is pursued territorially, yet the territory contains a significant portion of members of the host-nation as well. To varying degrees, both Northern Ireland and South Tyrol have seen a limited amount of such conflict, which is always accompanied by simultaneous inter-ethnic conflict. This simultaneous occurrence of inter-ethnic conflict is another potential reason for conflict between host-state and host-nation. As inter-ethnic conflict threatens the societal integrity of the host-state, actions of the host-nation may be perceived as one source of this threat and be countered accordingly. This, in turn, can be perceived by the host-nation, or at least by some sections within it, as denying an opportunity to defend, or establish, conditions conducive to the preservation, expression, and development of its ethnic identity. While Northern Ireland is one case in point here, a similar pattern of conflict can be observed in relation to xenophobic or racist movements directed at immigrants and refugees in Western Europe and elsewhere.

¹⁴ Weber, *Wirtschaft und Gesellschaft*, p. 29.

Table 2: Perceived Threats as Sources of Ethnic Conflict

		Threats Perceived by		
		External Minority	Host-State	Host-Nation
Threats Allegedly Originating from	External Minority		<ul style="list-style-type: none"> • Territorial integrity • Societal integrity 	<ul style="list-style-type: none"> • Competition for resources deemed essential for the preservation, expression, and development of
	Host-State	<ul style="list-style-type: none"> • Unwanted assimilation • Discrimination • Deprivation • Ethnic cleansing • Genocide 		<ul style="list-style-type: none"> • 'Over-accommodation' of external minority interests
	Host-Nation	<ul style="list-style-type: none"> • Competition for resources deemed essential for the preservation, expression, and development of ethnic identity¹⁵ 	<ul style="list-style-type: none"> • Societal integrity 	

In contrast, the relationship between external minority and kin-state, as it is based on common ethnicity and a territorially divided ethnic nation, is normally not one of ethnic conflict, but rather one of patronage. Patronage results from one of two aspects, and often from a combination of the two – national sentiment and national interest. Popular sentiment concerning the fate of members of the nation living in another state and the desire to unite the national territory and bring together in it all the members of the ethnic nation finds its expression in irredentist or pan-nationalism.¹⁶ German irredentism during the inter-war period is probably the best-documented example, but by no means the only one. Hungary, which suffered a fate of territorial dismemberment in the Treaty of Trianon of 1920 similar to that of Germany (and Austria) harboured, with moderate success in 1938 and between 1940 and 1944, some irredentism towards Transylvania, the Vojvodina, and southern part of today's Slovak Republic. The conflict between Armenia and Azerbaijan over Nagorno Karabakh can be described as irredentist on part of Armenia, and the Albanian question in the Balkans has had, since 1913, an irredentist dimension of fluctuating prominence. Other examples of irredentist nationalisms

¹⁵ Threats perceived by external minorities comprise all of the features in both boxes. Depending on the specificity of the situation it is not always possible for the external minority (or the outside observer) to determine the source of the threat with absolute accuracy. In particular, in situations where the host-nation has complete control over the institutions of the state and uses them against the external minority, distinctions between host-state and host-nation are blurred, and to some extent even irrelevant.

exist in Africa and Asia.¹⁷ As national sentiment is not always expressed in irredentist nationalism, so is the relationship between external minority and kin-state not always about the secession of the territory inhabited by the kin-group and its subsequent unification with the kin-state. Informed by domestic and foreign national interests, territorial unification may not be desirable for either kin-state or external minority or it may not be possible given geo-political or regional interest and opportunity structures.¹⁸ Alternatively then, the relationship between external minority and kin-state can be one of 'repatriation' as with West Germany and German minorities in Central and Eastern Europe in the post-1950, and especially the post-1989 period, or it can be one of aiming at establishing conditions in the host-state conducive to the preservation, expression, and development of the ethnic identity of the external minority. With varying degrees of success, the numerous bilateral treaties concluded between the states of Central and Eastern Europe after 1989 testify to this.¹⁹

A conflictual relationship between external minority and kin-state is then likely to develop when their respective political agendas are mutually incompatible. This can either be the case if the irredentist nationalism in the kin-state is not reciprocated by the external minority, for which Alsace in the inter-war period and during Nazi occupation is a good example, or vice versa if the 'irredentism' of the external minority is not welcomed by the kin-state or when, as in the case of Northern Ireland, some of its manifestations are perceived as a threat to the kin-state's security and relationship with the host-state. A rather peculiar example of conflict between kin-state and external minority developed in South Tyrol. In order to forge an alliance with fascist Italy, Germany, after 1933, actively discouraged South Tyrolese irredentism, and instead advocated either resettlement to the Third *Reich* or complete

¹⁶ Smith, *National Identity*, p.83.

¹⁷ Cf. Donald L. Horowitz, 'Self-Determination: Politics, Philosophy, and Law', in Moore, *National Self-Determination*, pp. 181-214.

¹⁸ On various occasions, Horowitz has emphasised the variety of factors that make successful, or even desirable, irredentism very unlikely. Cf. especially, Horowitz, *Ethnic Groups in Conflict*, pp. 229-288, and shorter, Donald L. Horowitz, 'Irredentism and Secessions: Adjacent Phenomena, Neglected Connections' in *Irredentism and International Politics*, ed. by Naomi Chazan (Boulder, CO: Lynne Rienner, 1991), pp. 9-22.

¹⁹ Concerning Germany and her minorities, I have examined this form of the relationship between external minority and kin-state in Stefan Wolff, 'Changing Priorities or Changing Opportunities? German External Minority Policy,

Italianisation. Neither of these options were appealing to many ethnic Germans in South Tyrol, many of whom either opted to stay in the hope of being able to preserve their group and identity despite Italianisation, or initially opted to leave, but eventually defied the resettlement orders.

Territory

Regardless of the form that the relationship between the external minority and its host- and kin-states takes, the very existence of an external minority also establishes a relationship between these two states, which shapes, and is in turn shaped by, the relationship each of them has to the external minority. However, the relationship between them is not so much one determined by the concepts of 'ethnicity' and 'nation', but rather one that is, at least in a historical sense, founded on the notion of 'territory'.

Of all continents, Europe has the longest tradition of state-building and with it of the institutionalised definition of state territories. For states, territory possesses certain values in and of itself. These include natural resources, such as water, iron, coal, oil, or gas, they extend to the goods and services produced by the population living in this territory, and they can comprise military or strategic advantages in terms of natural boundaries, access to the open sea, and control over transport routes and waterways. Thus, throughout European history many wars have been fought over territories, territories have changed hands as a result of wars, and new wars have arisen as a consequence of that. All of that took place largely without consideration of the people living in these territories, and it was only with the advent of nationalism as 'a political ideology with a cultural doctrine at its centre'²⁰ that the issues of state, nation, and territory became linked.

Disputed territories are primarily a phenomenon of inter-state relations, and occasionally, as in the case of Kosovo, one of inter-ethnic relations. As neither, they are necessarily linked to the existence of external minorities. Conversely, however, it requires specific conditions and/or mechanisms to detach conflicts involving external minorities from

1919-1998', in *German Minorities In Europe. Ethnic Identity and National Belonging* ed. by Stefan Wolff (Oxford and Providence, RI: Berghahn, 2000 – forthcoming)

their territorial dimension. In the four conflicts that will subsequently serve as major case studies the ethnic conflict and the territorial conflict have, at least during certain periods in the development of the conflict, been interlinked. In the case of Alsace, the territorial conflict, although it never fully broke out, always had a latent presence because of the multiple times sovereignty over Alsace had shifted back and forth between France and Germany. The strategic importance of the territory of Alsace for French security and the perception as a threat to French control over Alsace of the Alsatian ethno-national movement and its aims and of German policy towards France and Alsace intensified the conflict between Alsations and the French state in the inter-war period. However, the case of Alsace, among others, also emphasises that territorial issues are not only a matter of inter-state relationships, but can as well characterise intra-state relationships between external minority and host-state. Since 1945, the conflict in Alsace has lacked the territorial dimension at the inter-state level, yet increasingly from the late 1960s onwards, it has gained an internal territorial aspect in the course of regionalisation in France. For Italy, South Tyrol was important in solidifying the country's natural borders after World War One, and as an economic, strategic, and emotional factor after 1945. For Austria, South Tyrol had, for centuries, been part of the core of the national territory. Its loss after the First World War and the confirmation of the 1919 boundaries in 1945/46 each time sparked irredentist sentiment on both sides of the Austro-Italian border. With the conclusion of the Paris Agreement between the two states in 1946, and again in the 1955 State Treaty, Austria renounced all territorial claims to South Tyrol, and based its relationship with Italy solely on the premise that a settlement of the South Tyrol conflict would only be possible if the relationship between the two states was characterised by co-operation and compromise. The territorial dimension of the conflict, however, persisted nevertheless, yet, similar to Alsace since the late 1960s, on an internal level. The strong territorial foundation of South Tyrolese ethnic identity has led to numerous confrontations between South Tyrolese and Italians and the Italian state. The conflict over the Saar was probably of all four conflicts that will be examined here the one that matches most closely the irredentist/secessionist continuum: strong ties of kinship linking

²⁰ Smith, *National Identity*, p. 74.

the populations in the Saar and Germany resulted in complementary irredentist and secessionist movements that came to a climax in the referendum over the future status of the Saar in 1955 and led to the reunification of the Saar with Germany. In Northern Ireland, the territorial dimension of the conflict is multifaceted. Until quite recently, the constitution of the Republic of Ireland included two articles amounting to a territorial claim to the whole of the island. Although this was never pursued as an active policy by any Irish government, the very existence of such a claim was always perceived as a threat by the Unionist community in Northern Ireland whose identity was crucially founded on the link to the United Kingdom, while the Nationalist community perceived the same claim as a glimmer of hope in its quest for the unification of Northern Ireland with the Republic of Ireland.

Ethnic and Territorial Claims

The complexity of various linked and detached territorial claims in the context of conflicts involving external minorities makes it necessary to distinguish between the nature and the level of territorial claim.

Table 3: The Nature and Level of Territorial Claims

Nature of the Territorial Claim	Level of the Territorial Claim
• irredentist/secessionist	• inter-state and group-state: linked <input type="checkbox"/> Saar <input type="checkbox"/> South Tyrol (1919 and 1945/46) <input type="checkbox"/> Northern Ireland
• irredentist/non-secessionist/internal-regionalist	• inter-state and group-state: detached <input type="checkbox"/> Alsace (1919-1940)
• non-irredentist/non-secessionist/internal-regionalist	• group-state <input type="checkbox"/> post-1946 South Tyrol <input type="checkbox"/> post-1968 Alsace

Similarly, a distinction can be made between the nature and the level of the ethnic claim. As discussed earlier, ethnic conflicts are a type of group conflict in which at least one party to the conflict has its primary focus of identity in distinct ethnicity. At the levels of inter-group relations and of group-state relations, claims are then made, and tried to realise, that are generally related to one or more of three closely intertwined areas – self-determination; linguistic, religious, and cultural rights; and access to resources/equality of opportunity.

II. Possible Conflict Settlements for Ethno-Territorial Cross-Border Conflicts

Ideally, conflict settlements would accomplish the accommodation of all ethnic and territorial claims at the various levels at which they occur. In reality, such total accommodation is close to impossible. Rather, many of the claims will have to be compromised between the conflict parties and occasionally, some claims will even have to be withdrawn, perhaps on a reciprocal basis, in order to make a settlement possible.

Summarising the analysis of the various ethnic and territorial claims that can possibly be made by the conflict parties in a non-colonial or post-colonial context, there are only four combinations of these claims that have the promise of leading to settlements of ethno-territorial cross-border conflict which might be stable in the long term.

The first such combination is that of compromising territorial claims both at the inter- and intra-state level, which will lead to a condominium-style arrangement. As ideal as such a double compromise might be, it is rare as the academic literature about it. To date there have only been very few condominiums that existed long enough to study their operation. Two of them, Andorra and the New Hebrides, will be examined in greater detail in chapter VIII. Neither of these two condominiums came into existence in an attempt to settle an ethnic conflict in a disputed territory; rather, they were set up to accommodate conflicting territorial claims by regional powers (as in the case of Andorra) or by colonial rivals (as in the case of the New Hebrides). Nevertheless, condominium-style settlements can offer a promising alternative route to the resolution of ethno-territorial cross-border conflicts, and I will return to this issue and examine a choice of possible arrangements to arrive at a stable settlement of this type in chapter eight.

Another combination of territorial claims that can be found more frequently is that of the kin-state withdrawing its claim, and the external minority and its host-state reaching a compromise at the intra-state level over their respectively upheld territorial claims and the ethnic claim by the external minority to internal self-determination. South Tyrol is an almost classic case in point, as is the resolution of the Finnish-Swedish dispute over the Åland Isles.

This type of compromise usually takes the form of devolution – either by means of a consociational settlement and/or territorial autonomy.

The next possible combination of claims exists in relation to the host-state withdrawing its territorial claim to the disputed territory. If both the kin-state and the external minority maintain their claim, the most likely outcome is an irredenta; if only the external minority maintains its claim, the possible result would be a secession. Occasionally, with both states withdrawing their territorial claims, or forced to do so by third-party intervention, the result could also be the establishment of an international protectorate as an interim solution either leading to independent statehood of the formerly disputed territory or to incorporation into one of the disputant states, most likely the kin-state. Twice in its history, the Saar has experienced exactly this latter kind of development, namely after the two World Wars. More recently, developments in Kosovo and potentially in East Timor hint at the possibility of protectorates. In Kosovo the outcome is still everybody's guess – reincorporation into a democratised Serbia seems the preference of powerful international actors, most notably the European Union, while independent statehood or unification with Albania cannot be ruled out either, as they reflect the national aspirations of Albanians in Kosovo. East Timor, on the other hand, is clearly on a path to independence. Depending on the ethnic demography of the territory in question and the ethnic and or territorial claims made by distinct ethnic groups that potentially live there after the secession or irredenta, a post-settlement settlement might be necessary which could take either of the forms discussed in the preceding paragraph or could amount to the granting of cultural autonomy noted below.

Finally, the simultaneous withdrawal of territorial claims by both kin-state and external minority will lead to the external minority being integrated in its host-state socially, politically, and economically, but normally retaining some measure of cultural distinctiveness. Post-1945 Alsace is a good example, as are the cases of the German minorities in Belgium and Denmark and that of the Danish minority in the German state of Schleswig-Holstein. More recent examples of similar developments include the German Polish Treaty of 1990, in which the

Federal Republic of Germany recognised the Oder-Neiße line as Poland's legitimate western border. Subsequently, in 1991, both countries concluded a Treaty on Good Neighbourly Relations and Friendly Co-operation that regulated the rights of the Polish minority in Germany and of the German minority in Poland in the spirit of the 1990 Copenhagen Document of the CSCE. In a similar vein, many bilateral treaties have been concluded by the states of Central and Eastern Europe after the collapse of communism in 1989/90. In an attempt to prevent the resurgence of intra-state ethnic and inter-state territorial conflicts, these treaties included provisions for the recognition of existing borders, the protection of minorities, and the possibility for external minorities to engage in cross-border co-operation and contact with their kin-state.²¹ While it would go too far to examine the conditions of failure or success of such arrangements, a commitment of the two states and the minorities involved to find mutually acceptable and workable compromises within a democratic constitutional framework can reasonably be assumed to be among the vital conditions of success.²²

Other combinations of claims are unlikely to produce stable settlements. If territorial claims are not compromised, or alternatively withdrawn, an inclusive settlement agreed to by all conflict parties – kin-state, host-state, external minority, and host-nation – is impossible. The persistence of an irredentist movement always has the capability to undermine an internally reached settlement based on either the compromise or withdrawal by the external minority of territorial claims. Likewise, unresolved territorial claims at the intra-state level, even if they do not coincide with an irredentist agenda on part of the kin-state, are hardly conducive to the settlement of an ethno-territorial cross-border conflict. Developments in the former Yugoslavia are ample evidence for that. Finally, even the settling of territorial claims through compromise or withdrawal will not be sufficient if ethnic claims are not simultaneously accommodated or

²¹ Examples of such treaties include Hungary's treaties with, among others, Slovakia, Romania, Croatia, and Slovenia, the Polish-Lithuanian treaty, and a number of agreements concluded between Bulgaria and Macedonia. These, and numerous other treaties and agreements of similar kind, have been implemented with varying degrees of success and not always managed to satisfy external minorities or to prevent inter-ethnic and inter-state tensions.

²² An analysis of the agreements concluded between Germany and the Central and East European states that host German minorities is Hans-Joachim Heintze, "The Status of Minorities in Bilateral Agreements of the Federal Republic of Germany", in Stefan Wolff (ed.), *German Minorities in Europe. Ethnic Identity and Cultural Belonging* (Oxford and Providence: Berghahn, 2000 – forthcoming).

compromised as well. The gradually escalating situation in South Tyrol between 1946 and 1961 testifies to this, as do more recent developments in Transylvania (between ethnic Romanians and ethnic Hungarians) or in southern Slovakia (between ethnic Slovaks and ethnic Hungarians, and between the latter and the Slovak state) prior to the 1998 election into office of a less xenophobic government.

With an eye to the following case studies of Alsace, the Saar, South Tyrol and Northern Ireland, I will examine more closely three potential settlements of ethno-territorial cross-border conflicts: integration, secession/irredenta, and consociation.

Integrationist Techniques of Conflict Settlement

Integration of ethnic minorities into their host-society generally aims at making ethnic differences less salient and less important in the day-to-day life of an ethnically plural state. As public policies, they can aim at socio-cultural, economic, and/or political integration. Policies aiming at socio-cultural integration find their expression very often in the creation of a unified education system, a *lingua franca*, and public housing policies preventing ethnic segregation. Economic integration seeks to establish a non-discriminatory labour market in terms of pay, access to employment, and career opportunities, thus avoiding a cultural division of labour, all of which can normally be achieved through labour legislation, but sometimes also requires specific investment and taxation policies to tackle overcome structural shortcomings of underdeveloped areas inhabited disproportionately by members of an ethnic minority. In the case of a cross-border minority situation, this can often be achieved in co-operation with the kin-state, not only through encouraging foreign investment but also by means of labour migration and the favourable regulation of matters associated with it, such as social security and taxation. In the context of European integration, respective regulations of that kind have had a positive effect on labour migration in Alsace and South Tyrol, as well as on the German-speaking areas of Belgium and Denmark. For Central and Eastern Europe, Brubaker has rightly observed that labour migration has been one of the factors preventing an escalation of one of the

Hungarian minority problems.²³ By far the largest choice of policies is available in the field of political integration. Widely recognised techniques facilitating political integration include individualist bills of rights, general liberal principles serving as guidelines for the formulation of a state's (minority) policy, special anti-discrimination provisions and statutes, special electoral laws, special institutional arrangements to supervise the administration, judicial action and law enforcement to secure equality and fairness under law, executive action to ensure fair decision-making, and parliamentary control.²⁴ To one extent or other, most ethnically plural states have incorporated some of these principles into their constitutional or simple legislation. Legal provisions by themselves, however, are not a sufficient guarantee for such principles of integration to be applied and enforced effectively in practice, as the history of minority protection in Central and Eastern Europe prior to the collapse of communism, and on occasion thereafter, illustrates.

Despite the wide choice of policies available to achieve integration, a strategy to settle ethnic conflicts through integration very often finds its limits in the determination of ethnic minorities either not to be integrated at all or not to the extent the majority wishes it.²⁵ Thus, apart from the fact that neither kin-state nor external minority must uphold their territorial claims, for integration to work the external minority also needs to 'scale down' its ethnic claims to a level of claims for equality and, at most, the preservation of distinct cultural aspects of its identity. However, even where this has happened, the best-crafted integration policy would still fail if a (dominant) majority rejects the integration of a minority. In either case, the continued pursuit of integration is more likely to cause conflict, than to prevent or settle it. Thus, successful integration depends upon both constitutional craftsmanship to provide an adequate

²³ Cf. Rogers Brubaker, 'Myths and Misconceptions in the Study of Nationalism', in Moore, *National Self-Determination*, pp. 233-265, here p. 242.

²⁴ For listings and discussions of assimilationist techniques, cf. for example, Claire Palley, *Constitutional Law and Minorities*, MRG Report 36 (London: MRG, 1978), pp. 7-8, and Pierre L. van den Berghe, 'Protection of Ethnic Minorities: A Critical Appraisal', in Robert G. Wirsing (ed.), *Protection of Ethnic Minorities. Comparative Perspectives* (Oxford: Pergamon, 1981), pp. 343-355.

²⁵ Cf. John McGarry and Brendan O'Leary, 'Introduction. The Macro-Political Regulation of Ethnic Conflict', in *The Politics of Ethnic Conflict Regulation*, eds. John McGarry and Brendan O'Leary (London: Routledge, 1993), pp. 1-40, here p. 19.

institutional framework and the willingness of the ethnic groups concerned to carry through with this process.

The degree of integration of minorities varies from case to case. A successful integration process, with success measured in terms of levels of ethnic conflict, normally encompasses political and economic integration to the extent that members of the ethnic minority have achieved full equality in their host-society. A different matter is the degree of socio-cultural integration, especially of cultural assimilation. While there are certain requirements of modernity that make the cultural assimilation of ethnic minorities, at least to some extent, more likely, the complete cultural assimilation of an ethnic group leading to the cession of its existence as a distinct ethno-cultural group is by no means a requirement for successful integration. Ethnic Germans in Poland and Hungary are now well integrated into the political system and economic life of their host-countries, yet they have preserved distinct cultural and other features of their ethnic identity, including their language, traditions, and customs. The same can be said for Alsatians in France, Danes, Lusatian Sorbs, and Frisians in Germany, and Slovenians and Croatians in Italy and Austria. However, cultural assimilation, as long as it does not run counter to the aspirations of the ethnic group concerned, can also very well be a part of the integration process, to which the case of Poles in Germany and in the Czech part of Silesia testifies. If minority cultures have been suppressed rather than assimilated, changes in the political climate can lead to a resurgence of public and private cultural manifestations of ethnic groups, whose existence, at least in public life, had almost been forgotten. Among the numerous examples of such developments in Central and Eastern Europe, Slovaks in Hungary and Ruthenians in Slovakia are good cases in point here. Such a resurfacing of distinct ethno-cultural identities can often be prompted, exaggerated, or manipulated, for political reasons. Especially in the case of cross-border minority situations it is a likely feature of inter-state rather than intra-state ethnic politics, and is often not even welcome among the (external) minorities who suddenly find themselves in the centre of public attention as 'beneficiaries' of either or both their host- and kin-states rediscovered sense of duty. Remaining

members of the ethnic German community in the Czech Republic, for example, did not appreciate German involvement, especially that of radical sections of the Sudeten German expellee community, after 1990, fearing, rightly, that it would trigger anti-German feelings within their host-nation.

The success of integration as a strategy to settle or prevent ethnic conflicts, thus, depends on a variety of factors, most notably a common understanding between the ethnic groups concerned about the nature and the extent of the integration process. It also requires the availability and commitment of resources to carry through with the integration process – a well-intended strategy of integration can backfire if it does not deliver the goods it has promised. In the case of ethno-territorial cross-border conflicts, the role of the kin-state in such a process of integration in terms of the contribution it can make to its success, or, alternatively the damage it can cause to well-minded integration efforts, must not be neglected either. In the best of all worlds, kin-state and host-state would join forces in facilitating the integration process of the external minority, ensuring its protection as an ethno-culturally distinct group and its political and economic equality with all other citizens in the host-state. For a variety of reasons that will be explored in greater depth in the case study of Alsace such an ideal-typically smooth integration process, however, is unlikely to occur in the real world of ethno-territorial cross-border conflicts.

Secession/Irredenta as Settlement Mechanism

The Nature of Secessions and Irredentas

Secession is a process at the end of which a population group inhabiting a defined territory within an existing state has succeeded in detaching itself and its territory from this state and has established an independent state of its own. Quite often, but not exclusively, secessionist movements define themselves in ethnic terms. Examples of ethnically motivated secessions outside the colonial context, i.e., the secession of colonial territories from their 'mother countries' and their subsequent consolidation into independent states, are only few. There have been three such cases in the period between 1945 and the break-up of the multinational states in

Eastern Europe after the collapse of communism in the late 1980s, early 1990s – the secession of Senegal from the Mali federation in 1960, the secession of Singapore from Malaysia in 1965, and the creation of Bangladesh after the secession of East Pakistan from Pakistan in 1971.²⁶ After 1990, a number of new states came into existence either through secession or through the dissolution of existing multi-national federations. Into the first category belong the three Baltic states Lithuania, Latvia, and Estonia, who seceded from the then still existing Soviet Union in 1991. Cases in the second category are the eleven successor states of the Soviet Union and the Czech and Slovak Republics. More difficult is the assessment of the break-up of the former Yugoslavia. While Slovenia, Macedonia, Croatia, and Bosnia-Herzegovina clearly seceded from Yugoslavia, it is still disputed whether they, together with Serbia/Montenegro, are successor states that came into being after the dissolution of the Yugoslav federation, a view taken by the United Nations and the EU Arbitration Commission in 1992, or whether the FRY continues to exist in a truncated way in the form of Serbia and Montenegro. Outside the context of post-communist state and nation re-building, the secession of Eritrea from Ethiopia and of East Timor from Indonesia must be noted. A, so far unsuccessful, example of a non-ethnic secessionist movement is that of the Lega Nord in Italy. Motivated by economic gain, i.e., the economic prosperity of the northern regions of Italy and the perceived waste of their resources on the poorer regions of the south, the Lega has tried to attract a following of supporters across the spectrum of ethnic communities in northern Italy – Italians, Germans, French, and Ladins.

Irredentism, in contrast, is a state-based, but not necessarily government-backed, movement that seeks to retrieve an external minority together with the territory the latter inhabits across an existing border, i.e., to add territory as well as population to an existing state. Irredentism has been particularly frequent and disastrous in its consequences in inter-war Europe. German irredentism vis-à-vis the Czech Sudetenland was one of the causes leading to the break-up of Czechoslovakia in 1938/39, an opportunity also seized by Hungary to satisfy

²⁶ West Pakistan and East Pakistan were two territorially separate units of the state of Pakistan created in 1947 after the independence of what had been British India. The successful secession was partly due to the military involvement of India.

some of its irredentist desires towards the subsequently established 'independent' Slovak state. The resurgence of ethnic nationalism after the collapse of communism in 1989/90 and the subsequent dissolution of the Soviet Union and Yugoslavia has also led to the revival of old and the creation of new irredentisms in Central and Eastern Europe – Greek and Bulgarian claims to Macedonia and Albanian claims to Kosovo are examples for old irredentisms revived, while Russian claims to Transdnistria and to the Crimea, and the multiple claims the Yugoslav successor states have against each other are examples of new irredentisms.

In the case of ethno-territorial cross-border conflicts, irredentist and secessionist movements often coincide, at least for some time. In other words, it is likely in such conflicts that both the kin-state and the external minority uphold their territorial claims vis-à-vis the host-state. This has particularly been the case in the Saar, the only example among the following four case studies where a secession/irredenta has produced a successful conflict settlement. In South Tyrol, secessionism and irredentism coincided for a brief period in 1945/46, thereafter Austria withdrew its territorial claims, and the German-speakers in South Tyrol compromised their territorial demands vis-à-vis the Italian state. In Northern Ireland, secessionism is still prominent among Nationalists and Republicans, while Irish irredentism has, for decades, not extended beyond political rhetoric. While these two constellations have made two particular consociational settlements possible, the absence of both secessionist and irredentist claims in Alsace has allowed for an integrationist solution of the conflict. This gives rise to the question under what conditions secessionism and irredentism arise, what factors influence their development and outcome, and, most importantly, in which context secession/irredenta can provide a stable settlement for an ethno-territorial cross-border conflict.

Self-Determination and the Viability of Secessionist/Irredentist Claims

In its 'Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations,' the General Assembly declared in 1970 that the 'establishment of a sovereign and independent state, the free association or integration with an independent state, or the emergence into any other political

status freely determined by a people constitute modes of implementing the right of self-determination by that people.’²⁷ However, in the same context it was stressed that this right to self-determination must not be abused to ‘dismember or impair, in total or in part, the territorial integrity or political unity’ of a sovereign state.²⁸

Although the right to self-determination of peoples is a basic principle within the Charter of the United Nations, UN practice does not recognise a right of secession as an automatic consequence of self-determination, not least as this would potentially be in conflict with other fundamental UN principles, such as the principles of territorial integrity, sovereign equality, non-intervention, and non-use of force in international relations.²⁹ However, the existence of a right to secession is not denied either, but it is limited to exceptional circumstances, in which there is no other way to preserve a people than its territorial secession.³⁰ Despite these ‘legal’ limitations, the idea of self-determination has driven, and will continue to drive, ethno-nationalist aspirations of minorities either to create their own state or to (re-) unite with a kin-state and the irredentist policies of states with (ethno-) territorial claims against those of their neighbours that are hosts of an external minority.³¹

The essence of self-determination is to allow the population of a distinct territory a choice about their political status and development. As a political doctrine, it emerged during and after the First World War and has since then been heavily influenced by nationalism. With the standard claim of nationalist ideology being that each nation have its own state, calls for self-determination have often been equated with calls for the break-up of multi-national empires

²⁷ GA Resolution 2625 (XXV) 24 October 1970.

²⁸ Ibid.

²⁹ Michla Pomerance, *Self-Determination in Law and Practice* (The Hague, Boston, London: Martinus Nijhoff Publishers, 1982), p. 43.

³⁰ See for example, Dietrich Murswiek, “The Issue of a Right of Secession – Reconsidered”, in Christian Tomuschat (ed.), *Modern Law of Self-Determination* (Dordrecht, Boston, London: Martinus Nijhoff Publishers, 1993), pp. 21-39.

³¹ The non-existence of a common border does not preclude irredentist aspirations. In the case of Russian claims vis-à-vis the Transdnister region of Moldova, the existence of a precedent in the form of the extra-territorial Russian enclave around Kaliningrad makes the justification of such claims easier, but does not necessarily ensure their success.

and the dismemberment poly-ethnic states.³² This has been particularly obvious in recent European history – from the Munich Agreement in 1938 to the break-up of the Soviet Union, the ‘velvet divorce’ of Czechoslovakia, and the dissolution of Yugoslavia and its violent aftermath.

In international law theory and practice, legal-political distinctions between internal (selection of an appropriate form of government) and external self-determination (choice of international status),³³ or between offensive (right of the minority to decide whether or not to secede) and defensive (right of the majority of the population to decide whether or not to prevent secession) self-determination,³⁴ are more than just an attempt to disguise the fact that a population was denied the right to express their choice of political status in a free vote. It is well worth looking for alternatives to, not substitutes of, (complete) self-determination. One such alternative is this distinction between external and internal self-determination, which, in its essence, aims at internal compensation for a denied secession. There is a wide range of such internal compensations. One of them is federalism, such as in the cases of Belgium or Spain, or as enshrined in the Yugoslav constitution of 1974 or in the Soviet constitution of 1977, for example, both of which included a clearly defined right to secede. Another form of internal compensation are special territorial autonomy arrangements, as they can be found in five of the nineteen provinces of Italy or in Corsica in France. And finally, there is a wide variety of minority rights, reaching from specific electoral regulations to ensure minority representation at regional level, such as in the German states of Schleswig-Holstein, Saxony, and Brandenburg, or at national level as in Romania or Poland, to arrangements that delegate competences in the fields of culture and education to special bodies representing members of a distinct minority, such as in Estonia or Hungary.

³² Cf., for example, Lee C. Buchheit, *Secession. The Legitimacy of Self-Determination* (New Haven: Yale University Press, 1978), p. 4 and Wayne Norman, ‘The Ethics of Secession as the Regulation of Secessionist Politics’, in Moore, *National Self-Determination and Secession*, pp. 34-61, here p. 35.

³³ See, for example, Pomerance, *Self-determination*, and Allan Rosas, ‘Internal Self-Determination’, in Tomuschat, *Modern Law of Self-Determination*, pp. 225-252, and Buchheit, *Secession*, p. 14-16.

³⁴ This distinction was introduced by Dietrich Murswiek, ‘Offensives und defensives Selbstbestimmungsrecht. Zum Subjekt des Selbstbestimmungsrechts der Völker’, in *Der Staat* 24 (1984), p. 523.

Similarly, a defensive right to self-determination might well supersede the exercise of its offensive counter-part when the potentially seceding territory is of particular cultural significance to the titular nation of the host-state. The conflict in and over Kosovo, regarded by many Serbs as the cradle of their nation, is one potential case in point, as is the status of Jerusalem, to which followers of three religions lay claim. In addition to such cultural considerations, economic ones can weigh similarly heavily when the secession of a particular territory would have an unjustifiably strong adverse economic impact on the country concerned and its population, such as the secession of northern Italy would have on the Italian state. In such cases, it is particularly unlikely that secession/irredenta will provide stable settlements in the long term, as the emergence of a potent irredentist movement in the former host-state that will try to recover 'sacred' ground or economic assets is more than a merely theoretical possibility.

The extreme complexity of the issue of self-determination has a variety of sources. One is the question of who the 'self' is that is to determine its political status. Closely related to this issue is the question of what the territorial reference point for self-determination is – is it only the territory inhabited by the self that is relevant, or is there need to consider the entire state that would be dismembered, or in the case of a secession/irredenta also the territory of the state with which the secessionists want to unite? The case of Northern Ireland exemplifies this point and the fact that it is very often calculations about the likelihood of a particular outcome that inform respective arguments – Unionists advocate that only the residents of Northern Ireland should be considered, while Republicans argue that the right to self-determination be granted to the entire population of the island of Ireland, i.e., including the citizens of the Republic of Ireland.

Another critical point is the choice of options that are made available to a population in a referendum on self-determination and the question of who determines the choice. In the first Saar referendum in 1935, participants in the plebiscite could choose between retaining the *status quo*, unification with Germany and unification with France. In the second referendum in 1955, the choice was only between Yes and No to a statute for the Saar negotiated between the French

and German governments. Finally, many of the referenda after the end of the First World War to demarcate international boundaries in ethnically mixed areas, such as at the German-Danish or German-Polish borders, offered the participants a choice between belonging to one state or another.

A third issue are the estimated consequences of self-determination for the further existence of a state and for international peace and security. Thus, the secession of Slovenia and Croatia from Yugoslavia ended the existence of the Yugoslav state, as it triggered the further secessions of Bosnia-Herzegovina and Macedonia. It also led to war, international intervention, and the presence of an international peacekeeping force. The general instability of the Balkan region, although not necessarily caused by the secession, was certainly and foreseeably aggravated by it. Nevertheless, the international community chose to recognise Slovenia and Croatia, but has, since then, refused to recognise or endorse a secession of Kosovo, but instead opted for some sort of international protectorate.

The examples above indicate that it is not only abstract legal and political considerations that influence the outcome of a secessionist/irredentist movement, but a variety of contextual factors as well. Among them are the geographic and demographic situation of the external minority, the strategic, economic, and political importance of the territory that would secede, and domestic and international policy considerations of the (two) states involved.³⁵

As regards the likelihood of success of a secessionist movement, a dispersed ethnic group is rather unlikely to be in a position to make successful secessionist claims historically or territorially. Compact ethnic groups who live in a territory adjacent to another, potentially co-ethnic, state are in a different position, even if they share their traditional homeland with another ethnic group as a result of their host state's internal migration/settlement policy. Economic aspects of secession need to be taken into account as well. The more important the disputed

³⁵ Smith determines eight different factors that influence the likelihood of secessionist ambitions among an ethnic group: economic loss and gain, group anxiety in terms of identity preservation, the degree of political repression, opportunities for cultural/political mobilisation, presence of an intelligentsia, presence of a usable ethnic past, existence of ethnic antagonisms, determination and capability of the state to prevent secession. Cf. Smith, *National Identity*, p. 134f.

territory (in natural resources, industrial output, agricultural production, access to major ports and lines of transportation and communication), the less likely is it that secession will be a mutually acceptable solution. Similarly, strategic importance in terms of access to the open sea, natural defence borders, and/or frontier lines with other states could make the territory worth fighting for.

Finally, political considerations have domestic and international dimensions. Domestically, it is the assumption that granting the right of secession will have certain effects on the government in power that will influence its decision as well as the consequences of such a secession for the aspirations of other ethnic groups on the state's territory. Internationally, the brutal repression of a secessionist movement can backfire and result in international intervention, as has recently been the case with Serbia and Kosovo. Allowing a secession may be ill-received by other countries who see a dangerous precedent being created, especially in cases that involve transnational minorities, such as the Kurds.

Similar considerations will have to be made by the kin-state. The decision on whether and how it becomes involved, depends primarily upon its interest structure and availability and commitment of resources. Any number of different motivations might drive a kin-state:

- the intention to improve the situation of its kin-group,
- a preference for one particular (political) section within its external minority,
- the desire to prevent a conflict from spreading into its own polity or to other states in the region,
- the preservation or establishment of good relations with the host-state(s) of its external minority,
- exercising influence on the domestic political process of the host-state through encouraging a particular voting behaviour of the kin-group in presidential elections,³⁶
- the maintenance of its domestic power base,
- favourable foreign relations in general,
- territorial gains,
- repatriation of its kin-group,
- an exchange of populations and or territories.

³⁶ The success of such a strategy depends both on the number of those members of the minority group who are eligible for voting and on their preparedness to 'follow directions'. Of all the states in Europe with external minorities, Russia is probably in the best position to use this lever, and, as recent exchanges with Ukraine indicate, also likely at least to raise the issue as a possible course of action. Cf. *RFE/RL Newslines*, 22 July 1999.

In formulating policies to realise these interests, a kin-state has to take into account a variety of factors. Considering the nature of the 'affinity link',³⁷ repercussions for the domestic political process are almost inevitable.³⁸ The conflict is likely to be instrumentalised by political parties in the kin-state in their struggle for power, and if the kin-state is itself ethnically heterogeneous a change of the ethnic balance may not be welcomed by all the groups that constitute this state. International consequences weigh similarly heavy. Involvement can trigger hostile reactions not only from the (neighbouring) state that hosts the external minority, but also from other states that face similar minority situations. They might form powerful regional alliances and exert pressure to the short and long-term detriment of the kin-state.³⁹ Within the external minority, warring factions might exist so that the support of only one of them by the kin-state could cause resentment among the other one. This could have implications for a future settlement of minority rights and territorial claims, e.g., blocking a particular solution proposed by a competing party, undermining potential mediation efforts by the kin-state, etc. In addition, not all sections within an external minority may actually be in favour of being incorporated into their kin-state, for economic, political, or other reasons.⁴⁰ Furthermore, the kin-state has to consider not only the reaction of the host-state, but also that of the other ethnic group(s) sharing the disputed territory. They could engage in retaliatory policies against the external minority and/or its kin-state trying to counter what they perceive as undue interference to their detriment.⁴¹

³⁷ For this term, cf. Ralph R. Premdas, "The Internationalisation of Ethnic Conflict: Some Theoretical Explorations", in K. M. de Silva and R. J. May (eds.), *Internationalisation of Ethnic Conflict* (London: Pinter, 1991), pp. 10-25, here p. 12.

³⁸ Horowitz goes so far to argue that it is "the domestic rather than the international consequences that constitute the principal disincentive to irredentism." (Donald Horowitz, *Ethnic Groups in Conflict*, Berkeley, CA: University of California Press, 1985, p. 282).

³⁹ Examples for such a scenario can be found with at least three states in Europe – Germany, Hungary, and the Russian Federation, all of which have large external minorities that are, or have been, a major issue in their foreign policy. Similarly, the case of the Albanian minority in the Balkans could be cited.

⁴⁰ The cases of Alsace and South Tyrol illustrate this point. For other examples, see Horowitz, *Ethnic Groups in Conflict*, p. 285f. A more theoretical examination of this issue can be found in Rothschild, *Ethnopolitics*, pp. 181-184.

⁴¹ Northern Irish Loyalists, for example, attacked targets in the Republic of Ireland in the 1970s and 1980s. Successive Irish governments since the late 1980s have paid closer attention to the interests of Unionists, and the Good Friday Agreement of 1998 includes a double protection mechanism for both groups (Nationalists and Unionists) regardless of Northern Ireland's constitutional status.

The policy options thus available to a kin-state in pursuit of its external minority policy can be relatively clearly distinguished within two strategies – co-operational and confrontational vis-à-vis the host-state. Preference for either is determined by the motivations behind the kin-state's external minority policy as well as by the opportunities to achieve them, both of which may change over time. Among the co-operational policy choices are attempts to come to a settlement with the kin-state on the basis of compromising or withdrawing territorial claims. This can happen in direct negotiations and through appeal to international organisations for mediation. Co-operational policies also comprise the exercise of a moderating influence on the external minority, the strengthening of its non-radical sections, the commitment of resources to improve its living conditions, or, alternatively to facilitate (labour or permanent) migration of members of the external minority.

Confrontational policies include the support of a secessionist movement within the external minority through the donation of aid, supply of arms, and provision of safe havens, and the subsequent *de jure* recognition of the seceded state followed by 'negotiations' over unification. Confrontational policies can also take the form of military intervention, or at least of threats thereof, including the holding of manoeuvres close to the disputed territory and/or border with the host-state. Declarations of intent to engage into a more active external minority policy or the public international condemnation of particular actions and/or policies taken by the host-state form another set of confrontational policies. While such policies can occasionally lead to some sort of a settlement, such as in the cases of Turkey's intervention in North Cyprus or, more recently, in that of the multi-national intervention in Kosovo, they are unlikely to solve an ethno-territorial conflict in the long term, they rather contain or suppress it, which on some occasions may be legitimate, and on others not.

While the kin-state thus has a range of options available in pursuit of its external minority policy, the outcome of any particular intervention policy depends on the circumstances in which it is employed. Identical goals can have fundamentally different outcomes given varied conditions under which they are pursued. For example, an attempt to mediate between a kin-

group and its host-state can result in a quick and satisfactory settlement, but also in prolongation or exacerbation of an ongoing conflict if one of the sides perceives this intervention as increasing its chances to accomplish victory or, alternatively, as preventing the other side from achieving victory. An effort by the kin-state to make territorial gains may sideline or escalate a domestic ethnic conflict in the host-state. A desire, including a mere declaration of intent, to protect one's kin-group in another state, even if the means employed would be exclusively peaceful, may be taken as a welcome opportunity by the government of the host-state to crush internal challengers to its power. At the same time, the kin-state's assumption of a patron role could just as well be an event triggering the outbreak of conflict by inciting the external minority, or its opponents, in the hope, or fear, of external support, to seek a violent solution to their differences.⁴² Similarly, inaction or failure on part of the kin-state to intervene on behalf of its external minority can lead to latter's radicalisation.

International support for or against a secession/irredenta will depend upon a variety of different, at times conflicting, factors, such as the danger of armed conflict arising from the secession or its denial, the human rights records of both states involved⁴³ and their international influence, strategic interests of regional and world powers in the area,⁴⁴ the potential creation of a new minority problem in the seceding territory and its consequences for regional and global stability, the strength of support and enthusiasm which the kin-state lends to the secessionist aspirations of the co-ethnic group, and the means with which secession and its prevention are being sought.

To achieve a secession/irredenta is possible either by superior force of the secessionist movement and its supporters, or by consent between host- and kin-state. In either case, the likelihood of it succeeding in providing a stable long-term settlement to an ethno-territorial

⁴² Cf. Ashley J. Tellis et al., *Anticipating Ethnic Conflict* (Santa Monica, CA: Rand, 1997).

⁴³ In 1991 the EC published its "Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union", which included, among others, the requirement of "guarantees for the rights of ethnic and national groups and minorities in accordance with the commitment subscribed to in the framework of the CSCE." *EC-Bulletin* 12/1992, p.119.

⁴⁴ These include refugee migration, interruption in the trade of goods and services, escalation of the conflict to an international level.

cross-border conflict will depend on a variety of factors in the disputed territory, in the host and kin-states, but also in the wider regional and international arena. The major potential source of instability in the seceding territory is that of one or more 'trapped minorities',⁴⁵ or 'orphans of secession',⁴⁶ that is, population groups who do not belong to the (formerly) external minority and fear ethnic discrimination,⁴⁷ become the basis of a new secessionist movement or the source of irredentism in their kin-state. Appropriate post-secession/irredenta settlements (territorial consociation, cultural autonomy, special political representation of the 'trapped minority' at local, regional, and nation level, or migration options) can diminish this potential danger for the stability of a secessionist/irredentist settlement, but only if the conditions in the kin-state allow for this kind of post-secession/irredenta settlement.

Factors that influence the stability of the settlement in the former host-state from which the disputed territory has been detached include economic, political, and security consequences of the secession/irredenta. Economically, the loss of a particular territory may deprive this state of essential sources of industrial or agricultural production. Politically, irredentist movements may emerge that do not accept the loss of territory for economic or cultural reasons and/or the fact that some of their ethnic kins have to live in a different country now, as is the case with Serbs in Croatia and Bosnia, and, to a lesser extent, with the millions of Russians who found themselves in a different and often hostile state after the secession of the Baltic Republics and the dissolution of the Soviet Union. Potentially harmful effects on the security situation of the former host-state include the strengthening of other secessionist and irredentist forces with claims against its territory, a phenomenon experienced by Serbia in the case of Kosovo and by Russia in the case of Chechnya. All of these factors can lead to the instability of the former host-state and thus to its vulnerability to political radicalisation and a policy of active

⁴⁵ This is a term used by Buchheit in his analysis of the case against secession. Cf. Buchheit, *Secession*, p. 29.

⁴⁶ This is the title of an article by John McGarry relating to the same phenomenon that Buchheit describes. Cf. John McGarry, "Orphans of Secession": National Pluralism in Secessionist Regions and Post-Secession States', in Moore, *National Self-Determination*, pp. 215-232.

⁴⁷ Horowitz has made a convincing case that secession, by simplifying inter-ethnic relations in the seceding territory, very often worsens them. Cf. Donald L. Horowitz, 'Self-Determination: Politics, Philosophy, and Law', in Moore, *National Self-Determination and Secession*, pp. 181-214, here p. 191. The secession of Croatia and the quasi-secession of Kosovo illustrate his point graphically.

revisionism undermining the stability of the secessionist/irredentist settlement adopted in an attempt to resolve an ethno-territorial cross-border conflict.

International conditions conducive to the stability of a secessionist-irredentist settlement include the preservation of regional stability after the boundary change, i.e., that no succession of further secessionist/irredentist movements is triggered, and the absence of any great power or regional power rivalry over the seceded territory.

In the context of ethno-territorial cross-border conflicts, secessions/irredentas are thus not necessarily the most likely candidate of a settlement. Given the complexity of the issues involved, this is not surprising. The following case studies will show that it is only one of a number of options available, and given the right conditions, it is more likely that the right of self-determination is used as a bargaining chip to negotiate the highest possible amount of internal compensations. However, as the study of the Saar conflict will illustrate, a secession/irredenta may well be able to produce a stable settlement for an ethno-territorial cross-border conflict and should therefore not be ruled out on principle. As Allen Buchanan has put it, the availability of alternatives to secession depends on whether 'the boundaries of a political unit ... contain, for the most part, individuals who have *enough* in common to be able to engage in meaningful participation in rational, principled political decision-making.'⁴⁸ If such a minimum of common political culture is missing, alternatives to internal settlements must be sought; and in this context, secession may well be worth considering. From the point of view of settling ethno-territorial cross-border conflicts, and other types of ethnic conflicts for that matter as well, it is therefore not normative considerations about whether a secession/irredenta is justified or not, but the more pragmatic issues of whether it is a useful mechanism to provide a solution that can be reasonably expected to be stable in the long term.

⁴⁸ Allen Buchanan, 'Democracy and Secession', in Moore, *National Self-Determination*, pp. 14-33, here p. 23.

Consociations and Their Applicability to Ethno-Territorial Cross-Border Conflicts

The Theory of Consociationalism

The term 'consociational democracy'⁴⁹ is most closely associated with the work of Arend Lijphart and was examined by him as a type of democratic system in greater detail for the first time in the late 1960s, when making reference to the political systems of Scandinavian countries and of the Netherlands and Belgium.⁵⁰ Lijphart followed up with further studies of political stability in cases of severely socially fragmented societies, eventually leading to his fundamental work *Democracy in Plural Societies*.⁵¹

The phenomenon Lijphart was describing, however, was not new. As a pattern of social structure, characterising a society fragmented by religious, linguistic, ideological, or other cultural segmentation, it had existed long before the 1960s. These structural aspects, studied, among others, by Lorwin,⁵² were not the primary concern of Lijphart, who was more interested in why, despite their fragmentation, such societies maintained a stable political process, and recognised its main source in the agency of political elites. Furthermore, Lijphart identified four features shared by consociational systems – a grand coalition government (between parties from different segments of society), segmental autonomy (in the cultural sector), proportionality (in the voting system and in public sector employment) and minority veto.⁵³ These characteristics, more or less prominently, were exhibited by all the classic examples of consociationalism: Lebanon, Cyprus, Switzerland, Austria, the Netherlands, Belgium, Fiji, and Malaysia.

With some of these consociations having succeeded in the long run, such as in Switzerland, Austria, the Netherlands, and Belgium, and others having failed, like Lebanon,

⁴⁹ The phrase itself was actually not coined by Lijphart himself, who makes reference to Althusius's *consociatio* and acknowledges the use of the term 'consociational' by David E. Apter in a study on Uganda. Cf. Arend Lijphart, 'Consociational Democracy', *World Politics*, vol. 21, no. 2, pp. 207-225, note 14.

⁵⁰ Arend Lijphart, 'Typologies of Democratic Systems', *Comparative Political Studies*, vol. 1, April 1968, pp. 3-44.

⁵¹ Arend Lijphart, *Democracy in Plural Societies* (New Haven, CT: Yale University Press, 1977). Earlier works include *The Politics of Accommodation: Pluralism and Democracy in the Netherlands* (University of California Press, 1968) and 'Consociational Democracy'.

⁵² Cf., for example, Val R. Lorwin, 'Segmented Pluralism: Ideological Cleavages and Political Cohesion in the Smaller European Democracies', *Comparative Politics*, vol. 3, no. 2 (January 1971), pp. 141-175.

Cyprus, Fiji, and Malaysia, Lijphart also established conditions conducive to consociational democracy. These included overarching, i.e., territorial, loyalties, a small number of political parties in each segment, about equal size of the different segments, and the existence of some cross-cutting cleavages with otherwise segmental isolation. The small size of the territory to which a consociational structure is applied and its direct and indirect internal and external effects as well as a tradition of compromise among political elites are also emphasised by Lijphart as conditions enhancing the stability of the consociational settlement.⁵⁴

Consociational Settlements of Ethno-Territorial Cross-Border Conflicts

For consociational settlements to work for ethnic conflicts, three fundamental conditions are required, as McGarry and O'Leary have emphasised.⁵⁵ Integration or assimilation of the respective other group must not be on the agenda of either of the ethnic groups in conflict with each other in the short or medium term. Successive elites must be motivated to work for the preservation of the consociational settlement, and they themselves must enjoy a sufficient degree of autonomy within their communities enabling them to make compromises and concessions without having to fear outbidding and outflanking by ethno-centric radicals.

Apart from their dependence upon elites and the factors determining their political agency, the history of consociational settlements has shown them also to be particularly vulnerable to outside interference – the Turkish invasion of Northern Cyprus and the involvement of Syria and Israel in the breakdown of the Lebanese consociation are just two examples for this. The reason for this vulnerability is that outside intervention dramatically alters the carefully preserved balances of power within a consociational process – in reality, as in the cases of Cyprus and Lebanon, or in the perception of one of the communities that is part of the consociation, as it has been the case in the brief period of Northern Irish consociationalism in 1973/4. Yet, as the case of South Tyrol demonstrates, some degree of

⁵³ Lijphart, *Democracy*, pp. 25-52.

⁵⁴ Lijphart, *Democracy*, pp. 53-103.

⁵⁵ McGarry and O'Leary, 'Introduction', p. 36f.

involvement of an outside agent may in fact prove helpful in persuading one of the groups, in this case, the external minority of German-speakers, that a consociational settlement is its best bet, now and in the future. Furthermore, the case of Northern Ireland shows that a cross-border dimension, i.e., the involvement of some kind or other of the kin-state in the consociational settlement beyond the negotiation stage, might be required by the external minority to accept a settlement along consociational lines at all, especially if its original aspiration was for unification with its kin-state.

In other words, the very nature of ethno-territorial cross-border conflicts introduces an additional agent to the consociational process not foreseen in Lijphart's exploration of the concept. This gives rise to two questions. How far are consociational settlements useful mechanisms to deal with ethno-territorial cross-border conflicts? What modifications of the consociational process will occur because of the altered structure of agents involved, and in how far will these influence and change the conditions conducive to the stability of consociational settlements?

Given the structure of ethnic and territorial claims most likely leading to a consociational settlement, namely the kin-state withdrawing its territorial claims, but external minority and host-state upholding them and ethnic claims for internal self-determination persisting, consociations are in principle worthwhile ventures to settle ethno-territorial cross-border conflicts. In their claims for wide-ranging segmental autonomy – territorial as well as non-territorial – many ethno-territorial cross-border situations resemble patterns in consociational societies even though the nature of these claims is not always related to ethnicity in the strict sense, but can be ideological, as in Austria, or ideological and religious, as in the Netherlands. Switzerland and Belgium, of course, are examples of consociational democracies where ethnic claims play a significant role. However, an important distinction has to be made in relation to the territorial scale of the arrangement. In the four classic examples of consociational democracies in Europe, the arrangements extend to the entire territory of each society. In instances of ethno-territorial cross-border conflict, this is not necessarily the case. In fact, it is

rather unlikely as the disputed areas normally only form a small proportion of the host-states' territories. Thus, as is the case with South Tyrol and Northern Ireland, it is more likely that consociational arrangements encompass only the disputed territory and the ethnic groups living there. Depending on the political system of the host-state as a whole a consociation can be established in one federal unit or one region without affecting the political structure of other territorial entities in the host-state. For example, the region Trentino-Südtirol has a special statute, allowing for the specific consociational arrangements in one of its two provinces, namely South Tyrol.

Two further critical issues that deserve attention are related to the overarching loyalty uniting the consociational society as a whole, which Lijphart cites as one of the favourable conditions for consociational democracy,⁵⁶ and to the principle of proportionality, one of the four key features of any consociation. Concerning overarching loyalty, this may indeed be found in a consociational society, yet it will develop, if at all, only over time and only if there are strong incentives. South Tyrol is an example for this process. Despite the fact that the ethnic and national identities of both the German and the Italian populations in the province and the region are significantly different, a territorial loyalty has gradually developed over many issues where Germans and Italians share the same interests, yet are unable to realise them individually, but need to act in concert at regional, national, or European level. However, this is not an automatic process, and in some conflicts, it might prove impossible to create such an overarching loyalty bridging the fundamental cleavages between the groups. Northern Ireland may be one such case, and then the question is whether consociationalism can work as a mechanism of conflict settlement in such deeply divided societies at all.⁵⁷ The existence of competing national options or alternatives makes consociational settlements of ethno-territorial cross-border conflicts particularly vulnerable, especially if national sentiments run deep in the host-nation, the kin-nation, and the external minority.

⁵⁶ Lijphart, *Democracy*, pp. 81-83.

A danger of a different kind to the success of consociationalism is posed by the principle of proportionality. Once numerical proportions between the consociation partners change, so, too, do their shares in government, civil service, funding, etc. The group losing out in the process may see this as unacceptable. Anticipating such a development, there was no census held in Lebanon after the 1930s (on which proportional allocations had been based), despite the obvious alteration in the numerical balance between the communities. However, this strategy of denial did not only not prevent the eventual breakdown of the arrangement; rather, it was one of the factors contributing to it. The situation in ethno-territorial cross-border conflicts is such that changing numerical proportions are very likely, because they are not only influenced by natural factors of population growth, such as birth and death rates, but are also susceptible to migration. Normally, both the external minority and the section of the host-nation sharing the disputed territory have the option of emigration – members of the external minority are most likely to go to the kin-state, an option frequently exercised by ethnic Hungarians and ethnic Germans in Central and Eastern Europe, while members of the host-nation are most likely to leave for other parts of the host-state.⁵⁸ In addition, immigration, for reasons of citizenship most likely by members of the host-nation, is another factor can lead to altered numerical balances in the consociation. Especially if migration exceeds natural levels and is perceived as a deliberate policy of one ethnic group to gain advantages, destabilising effects are likely to occur that can potentially lead to the collapse of the consociational arrangement. For that reason, one of the essential demands made by South Tyrolese Germans throughout the 1950s and 1960s was to gain some measure of control over immigration to the province. On the other hand, increased emigration of Italians in the 1970s led to fears within the Italian segment of the population triggering a swing towards radical ethno-centric parties in the early 1980s.

In conclusion, then, in absence of viable alternatives because of the specific structure of ethnic and territorial claims, consociations have a fair chance to work as settlements for ethno-

⁵⁷ Horowitz's answer to this question is no, as he sees consociational arrangements only workable in moderately divided societies. Cf. Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley, CA: University of California Press, 1985), pp. 571f.

territorial cross-border conflicts. However, they will often require substantial modifications and complex institutional designs to accommodate the interests of all parties involved.

⁵⁸ Emigration to third countries is another option, but does not normally occur in figures comparable to the other two.

III. Conclusion of Part One:

**Which Factors Influence Ethno-Territorial Cross-Border
Conflicts and the Stability of Their Settlements?**

As the foregoing discussion has indicated, a durable institutional settlement of any ethno-territorial cross-border conflict in a liberal democratic environment needs to fulfil a number of conditions. Primarily, the conflicting interests of all parties involved in the conflict must be accommodated to the highest possible degree. When compromises have to be made, a party that makes concessions in one area should be compensated in another, and there should not be a major imbalance in terms of the number and substance of concessions the parties are required to make. The settlement as a whole should be carried by a broad consensus not only among the co-operating elites, but also among their respective electorates. While flexibility is required within the settlement provisions to accommodate new developments, any agreement reached should be stable enough to prevent major future changes to the decisive disadvantage of one party.

These requirements are of a very general nature. It is the concrete political and social context of each conflict that will determine how they are realised in practice. Preliminarily, these contextual factors can be found on four distinct, yet interrelated levels, namely (1) in the disputed territory, (2) in the host-state, (3) in the kin-state, and (4) in the international context.

On the first level – the ethnic situation in the disputed territory – three different dimensions must be distinguished. These are social, intra-ethnic, and inter-ethnic in their nature and have distinct, but sometimes overlapping variables.

On the social level, factors that influence ethno-territorial cross-border conflicts are the ethnic stratification of the society (domination vs. segmentation) and the resulting power differential; the role of the state institutions in the conflict; and the institutional set-up of the social and political system. Important variables on the intra-ethnic level are group identity; the level of group awareness and group solidarity; the existence of, and policies pursued by, different political parties/movements and their varying influence on the ethnic group as a whole; and the basis for and degree of mobilisation. On the inter-ethnic level, a distinction must be made between three different relationships: the relationship between the ethnic groups; the relationship between individual group members; and the relationship between representatives of these groups. Further important factors are the disparity in identity-related aspirations and the

degree to which this disparity matters and is interpreted politically; and the differences in ethno-cultural markers and traits and the degree of their codification in distinct models of mutual perception. Factors that determine the character of the inter-ethnic situation also include the policies the individual ethnic groups and leaders of these groups pursue to ensure a high degree of mobilisation and solidarity in their respective group; the policy agendas of the individual ethnic groups and their mutual perception, e.g., challenging the domination of one ethnic group; challenging the state because of its neglect of ethnic demands; defending its position of domination in a given society; competing, with other ethnic groups of equal social rank, for scarce resources distributed by the state etc.; and the means with which they try to realise their goals. In addition to this, an ethnic situation is also determined by the way in which other ethnic groups under the jurisdiction of either of the two states perceive the conflict, its roots, and possible consequences for them. This is important inasmuch as the host-state might under certain conditions trigger further ethnic conflicts in its own society, whereas the kin-state may provoke harsh reactions among other ethnic groups on its territory when the potential accession of members of one ethnic group is expected to change the existing balance of power.

Table 5/1: Contextual Factors of Conflict Development and Settlement – Conditions in the Disputed Territory

Social	<ul style="list-style-type: none"> • Ethnic stratification • Power differential • Role of state institutions in the conflict • Institutional set-up of the social and political system
Intra-ethnic	<ul style="list-style-type: none"> • Group identity • Group awareness/solidarity • Party-political homogeneity • Basis for and degree of mobilisation • Policy agendas and policies and their mutual perception
Inter-ethnic	<ul style="list-style-type: none"> • Relationship between ethnic groups • Relationship between individual group members • Relationship between group representatives/elites • Influence of identity-related aspects • Perceptions of other ethnic groups

With regard to the second level of factors – the situation in the host-state – the following conditions significantly influence the development and outcome of any ethno-territorial cross-border conflict: the policy aims and constraints of the institutions of the host-

state and the policies pursued in relation to the state's role in the conflict in general, e.g., impartial mediator, challenged by one ethnic group, facing the conflict between two ethnic groups, representing the interests of one ethnic group that is itself involved in the conflict, etc. Apart from these domestic dimensions, the policy approach taken by the host-state vis-à-vis the kin-state and the pressures levelled against it by actors in the international context are of no lesser importance for the development and outcome of any ethno-territorial cross-border conflict.

Table 5/2: Contextual Factors of Conflict Development and Settlement – Conditions in the Host-State

- | |
|---|
| <ul style="list-style-type: none"> • Policy aims • Means by which aims are sought to realise • Position in the conflict • Approach vis-à-vis the kin-state • Domestic and international policy constraints |
|---|

Similar factors influence the agenda and policy of the kin-state: Does the kin-state mainly pursue a course of action that can be described as pro-irredentist, consisting of open threats of military intervention, material and political support for irredentists (peaceful or violent), and fuelling inter-ethnic hatred? Or does its concept of intervention imply an approach that is primarily interested in an improvement of the situation of its external minority thereby accepting the givens of the territorial situation? This choice will be determined by the perceived opportunity structure for the kin-state, which is shaped by domestic and international conditions similar to those of the host-state.

Table 5/3: Contextual Factors of Conflict Development and Settlement – Conditions in the Kin-State

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|--|
| <ul style="list-style-type: none"> • Policy aims • Means by which aims are sought to realise • Position in the conflict • Approach vis-à-vis the host-state • Domestic and international policy constraints |
|--|

In terms of the international context, it is primarily the third-party involvement of individual states and/or regional or international governmental and non-governmental organisations that influence the development and outcome of any particular ethno-territorial cross-border conflict. The direction of this influence will depend upon the motivation behind the involvement, e.g., arbitration or mediation between the conflict parties, strengthening the position of one particular party, or pursuing an agenda of its own self-interest. The strength of the influence is dependent upon the availability and commitment of resources by third parties and upon the skill and determination with which they pursue their intervention.

Table 5/4: Contextual Factors of Conflict Development and Settlement – International Context

Regional or international governmental or non-governmental organisations or individual states	<ul style="list-style-type: none"> • Motivation behind the involvement • Availability and commitment of resources • Skill and determination of intervention
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The examination of these factors will be at the centre of the following case studies. The aim of this is not to produce a universal approach to the settlement of ethno-territorial cross-border conflicts. Rather, my aim is more limited, namely to demonstrate the variety of possible settlements and to examine why a particular solution could work in a particular case. On this basis, a cautious generalisation of 'success conditions', or stability criteria, for each particular model of institutional arrangement will be possible.

PART TWO CASE STUDIES

IV. Alsace

Chronology of Key Events

Alsace

5 th -6 th century	Alemannic settlements.
1539	Edicts of Villers-Cotterêts determine the use of French as official language (Art. 111).
Until 1648	Alsace does not exist as a unified political entity.
1648	France acquires Alsace through the Peace Treaty of Westphalia.
1648-1789	French integration attempts do not progress very far.
1789	French Revolution.
1799-1814	Emperorship of Napoleon.
1814-1839	Restoration period – integration is successful among urban bourgeoisie and rural aristocracy.
1848-1851	Second French Republic.
1851-1870	Second Empire.
By 1870	Political integration generates widespread loyalty among Alsations.
1870/71	Franco-German war: Alsace and Lorraine are occupied by Germany. Their separation from France is confirmed by the Frankfurt Peace Treaty of May 1871.
June 9, 1871	The unification law is passed.
1871-1874	Period of dictatorship by the Emperor.
1874	First parliamentary elections in Alsace.
October 1874	Establishment of a consultative assembly for Alsace (and Lorraine).
1879	New constitution improves autonomy status of Alsace.
1887	Protest vote of Alsations expresses strong sentiments for France.
After 1887	German national parties begin to expand to Alsace.
1898-1908	Gradually, civil and political liberties are granted to Alsace.
1911	New constitution gives Alsace almost full autonomy within the German federal framework.
After 1912	Tensions between military forces in Alsace and the local population increase simultaneously to those between France and Germany.
1914-1918	First World War and military rule in Alsace.
1919	Peace Treaty of Versailles returns Alsace to France.
1924	Initial institutional arrangement of the <i>Commissariat General</i> is abolished, Alsace is fully integrated into the French unitary state system.
1925-1926	The religious concordat and the confessional school system are confirmed by legislation.
1925	Rebellion of the clergy against attempts to end the special religious status of Alsace.
1926	Germany recognises its borders with France in the Treaty of Locarno.
1926-1929	Foundation of the <i>Heimatbund</i> .
12 August 1926	Realignment of the party-political systems over the issue of Alsatian particularism.
1927	Bloody Sunday in Colmar: clashes between French nationalists and Alsatian particularists.
January 1928	Break-up of the <i>Heimatbund</i> .
February 1928	Dissolution of the town council of Hagenau by the French government.
Spring 1928	Elections in Hagenau – particularists win all 23 seats.
January-February 1929	Trial against particularist leaders ends in acquittals and short-term prison sentences for those defendants present. The convicted particularists are released from prison in July and August 1928.
After summer 1929	Parliamentary debate on Alsace. A resolution is passed that expresses confidence about the future development in Alsace.
1929-1934	Relaxation of French integration policy vis-à-vis Alsace.
1931	Crisis of the French parliamentary system.
1933	A general pardon reinstates all convicted particularists in their citizenship rights.
1938	A linguistic census establishes that ninety per cent of the population of Alsace speak German and/or Alsatian dialect.
1939	Hitler comes to power in Germany.
	German annexation of Austria.
	Munich agreement.
	German occupation of the CSR.
	Beginning of the Second World War.
	Arrest and trial of particularist leaders, one death sentence is pronounced and executed in 1940.
	Parts of the Alsatian civilian population are evacuated from Alsace to Southern France.
1940-1945	German occupation of Alsace and aggressive Germanisation policy.
1945	Return of Alsace to France.
1952-53	Concessions are made for limited German language teaching in Alsatian schools. Pupils can elect German as a subject in the last two years of their elementary school.
1953	Bordeaux trial of those responsible for the massacre in Oradour, including twelve Alsations.
1959/60	Division of France into 22 regions.
1964	Creation of the Council of Regional Economic Development.
1972	Creation of regional Councils.
1973	After a two-year trial period, German becomes obligatory in Alsace in third and fourth grade.
After 1973	Ecological revival of particularism/regionalism in Alsace.
1981	Beginning of the first Mitterrand presidency and the regionalisation process in France.
1982-1984	Signing of a cultural charter for Alsace by the region and the Ministry of Culture.
1984	A number of regionalisation laws are passed.
1985	For the first time after 1945 permission for the publication of monolingual non-French newspapers and magazines is given.
After 1985	The system for elections to regional councils is changed to proportional representation with the departments of each region as constituencies.
August 1985	Cultural particularism becomes a widespread popular movement in Alsace.
	The National Council for Regional Languages and Cultures is founded. Representatives of Alsace participate.

Alsace is a border region between France and Germany, which owes its boundaries both to nature and politics. Its natural boundaries are the Vosges mountains in the west and the river Rhine in the east. The river Lauter was adopted as its northern border after Napoleon's defeat at Waterloo in 1815. In the south its borders were established after the Franco-German war in 1871. Today Alsace consists of two administrative departments – Bas-Rhin, with Strasbourg as its capital, and Haut-Rhin, where Mulhouse is the capital. The territory of Alsace is 8,280 sq. km, its population slightly more than 1.6 million.

As a border country and disputed territory between Germany and France, Alsace has a long and complex history. After Germanic tribes settled in the area in the fifth century AD, Alsace had been part of the German Holy Roman Empire between 870 and 1648, when Louis XIV managed to gain control over the territory in the Peace Treaty of Westphalia. Since then, sovereignty over the territory has shifted five times between France and Germany, each of these shifts resulting in integration attempts of different degrees of strength all of which were met by the Alsatians with the one or another form resistance.

Today, there is little resistance to integration into France. Alsace has experienced economic prosperity and faced French governments that had drawn their lessons from past mistakes and made a number of concessions in cultural matters, rather than insisting on complete integration, including cultural assimilation. Alsatian particularism, an ideology that had captured the hearts and minds of Alsatians and mobilised them for political action in defence of their ancient rights and religious and linguistic distinctiveness, especially during the period of German rule from 1871 to 1918 and during the inter-war period, is no longer a significant political movement, only culturally has it retained its social importance. A strong regional movement in Alsace is only partly based on claims that have their roots in the non-French origin of most Alsatians, and on economic, ecological, and in the widest sense cultural demands. For the most part, Alsatian regionalism does not differ from similar movements in other French regions. Thus, despite its complicated history full of ethnic tensions and territorial conflicts, Alsace has become a 'normal' French region with a degree of cultural distinctiveness.

Developments before 1870

First Alemanic settlements date back to the fifth and sixth centuries A. D., and it was around the year 660 that the term *Alesaciones* was used for the first time. The population of the area remained relatively homogeneous in its culture until the seventeenth century. However, a common administrative or political framework did not develop because the region was divided into a number of territories which were ruled either by the church, such as Strasbourg, or directly by the emperor, or were, as, for example, Mulhouse, part of the Swiss confederation.⁵⁹ Until the Thirty Years War, the principal linguistic border between French and German were the Vosges mountains in the west rather than the river Rhine in the east. Nevertheless, French cultural and linguistic influence was significant, especially after Huguenot settlements in Alsace.⁶⁰

The acquisition of Alsace by France through the settlement of the *Pax Westfalica* in 1648 initiated a process of integration of Alsatians into French culture and society.⁶¹ While this had very little effect on the rural population for whom the Alemanic dialect remained an essential part of their Germanic culture and traditions, the aristocratic and bourgeois Alsatian upper classes, similar to those in the Saar after 1789, felt some affection for French culture and language and did not resist the modest integration attempts of the time.

After 1789, because of the revolutionary government's obsessive association of language and nationhood, all regional languages were suppressed on grounds of the assumption that the "language of a free people ought to be the same for everyone."⁶² Several pieces of legislation to that effect were introduced in 1794, one of them specifically banning the use of

⁵⁹ Cf. William R. Beer, *The Unexpected Rebellion. Ethnic Activism in Contemporary France* (New York and London: New York University Press, 1980), p. 7-8.

⁶⁰ Among other things, the Huguenots established schools in Alsace in which French was taught and used as language of instruction. These schools were open to Alsatians and the Alsatian aristocracy and bourgeoisie, being attracted by French culture, frequently sent their children there. Cf. Bernard Trouillet, *Das Elsaß – Grenzland in Europa* (Cologne: Böhlau, 1997), p. 74.

⁶¹ French civil servants were sent to the new territory, garrisons were established, and French was introduced as the official language according to Article 111 of the Edicts of Villers-Cotterêts of 1539. Cf. Dennis Ager, *Language Policy in France and Britain* (London: Cassel, 1996), p. 40f.

⁶² Declaration by Barre before the Convent on 27 January 1794. Quoted in Trouillet, *Das Elsaß*, p. 78.

German in Alsace.⁶³ Although the revolution was warmly welcomed in Alsace, its subsequent language policies were not.⁶⁴ Frenchification and integration continued under Napoleon (1799-1814) and during the restoration period (1814-1839). Although less forceful, it had far greater success as most Alsatians began to think of themselves as French citizens. Part of the reason for this success were the economic and administrative reforms that strengthened ties between Alsace and the interior of France. Particular attention was also paid to education: by the 1830s, French had attained parity as the language of business and culture, by mid-century, it had become the everyday language for most bourgeois families and an essential pre-condition for upward social mobility. As such, it was also accepted among the *petite bourgeoisie*. Economically, the tariff border, which had existed between Alsace and France, but not between Alsace, Switzerland, the Netherlands and neighbouring German territories, between 1680 and 1790, was dismantled and closer economic integration fostered with *France intérieure*.

German nationalism with its continuing emphasis on the cultural essence of the nation, and increasing attempts to incorporate all German-speaking people and territories into one polity, forced French governments to pursue integration more eagerly during the second Republic (1848-1851) and the Second Empire (1851-1870).⁶⁵ These attempts were politically rather successful,⁶⁶ as a majority of Alsatians did not have any difficulties in seeing themselves (politically) as French citizens,⁶⁷ although about eighty per cent of Alsatian peasants, artisans, and urban workers continued to use the Alemanic dialect and to see themselves as Alsatians and not as French in broader cultural terms.

⁶³ One of the rationales for this was the rather pragmatic insight that revolutionary ideology could only be spread on the basis of a common language. Cf. Ager, *Language Policy*, p. 41.

⁶⁴ There were a number of direct and indirect consequences of the new language policy. One was that French became the only language in state-supported secondary and higher education. Another was that, because of the enlistment of men from all regions to the revolutionary army, the belief in the usefulness of one common language was widely spread and accepted. This, however, did not automatically carry with it a preparedness to give up one's regional mother tongue. Because of a lack of time, money, and qualified teachers, assimilation efforts in the immediate post-revolutionary period proved unsuccessful beyond managing to establish the French language as the carrier of progressive ideas and humanist values. Cf. Trouillet, *Das Elsaß*, p. 81.

⁶⁵ Part of this was the introduction of French in primary schools in 1850. Cf. Michael Essig, *Das Elsaß auf der Suche nach seiner Identität* (Munich: Eberhard, 1994), p. 119.

⁶⁶ Cf. Liliane M. Vassberg, *Alsatian Acts of Identity* (Clevedon: Multilingual Matters, 1993).

⁶⁷ Beer, *The Unexpected Rebellion*, p. 15.

The 'Reichsland' Period, 1870/71 – 1919

On 1 March 1871, the French National Assembly in Bordeaux voted 546 to 171 in favour of the ratification of the preliminary peace treaty with Germany of 26 February 1871, against a declaration of protest from representatives of the departments of Bas-Rhin, Haut-Rhin, and Moselle, that is of Alsace and Lorraine.⁶⁸ Ironically, at the time when the three departments proved their long disputed loyalty to the French nation, underlining the German origin of the population but also their unwillingness to be integrated in the German *Reich*,⁶⁹ the very same nation abandoned them. The acquisition of Alsace and Lorraine by Germany became part of the Frankfurt Peace Treaty between France and Germany in May 1871, and with it a new period in Alsatian history began.⁷⁰

From the Frankfurt Peace Treaty to the Introduction of the German Constitution, 1871-1874

Apart from political changes, this new period was also characterised by demographic changes with long-term consequences. Paragraph One of Article Two of the Frankfurt Peace Treaty granted all inhabitants of Alsace and Lorraine the right to opt for French or German citizenship. In the case of opting for French citizenship, people had to move their permanent residence to France but they could retain ownership of property in Alsace or Lorraine. About 160,000, or ten per cent, of the inhabitants exercised this right. However, only 50,000 of them had left by the end of the option period in 1872, those remaining were considered to have waived their

⁶⁸ A similar protest declaration was read by some of the first elected members to the German federal diet from Alsace and Lorraine in 1874. On this occasion, a plebiscite was demanded on the status of the three former French departments. Cf. Ernst Rudolf Huber, *Deutsche Verfassungsgeschichte seit 1789* (Stuttgart: Kohlhammer, 1969) vol. IV, p. 450, and Theodor Schieder, *Nationalismus und Nationalstaat* (Göttingen: Vandenhoeck & Ruprecht, 1991), p. 202.

⁶⁹ Rehm makes the distinction between *deutschstämmig* (of ethnic German origin) and *deutschwillig* (willing to be German in a political as well as narrower cultural sense). Cf. Max Rehm, *Reichsland Elsaß-Lothringen* (Bad Neustadt a.d.S.: Pfahler, 1991), p. 13.

⁷⁰ Annexation of Alsace and Lorraine, although one of the major strategic war aims of the military leadership, was politically not undisputed and not without risk. Apart from the foreign-political dimension of permanent tensions in Franco-German relationships, there were also a number of potential domestic problems that could be worsened through the annexation. Among them were the foreseeable difficulties in terms of the integration of the new territories and their population, but also problems that lay at the heart of the German unification process itself, such as the constitutional set-up, including the question of the voting system, the status of minorities, and the issue of what a German national identity should consist of. The eventual decision in favour of the annexation seems to have been made because of security concerns. The line of argument that prevailed in the end was that reconciliation between France and Germany seemed unlikely no matter how generous the peace conditions were, and that, in this case, Alsace and Lorraine were of strategic importance for Germany's defence capabilities in the west. Cf. Lothar Gall,

respective rights and henceforth treated as German citizens. With a further 150,000 people leaving after the end of the option period, and more than 300,000 people born in Alsace or Lorraine but having relocated before or during the war, the actual loss of population amounted to about 500,000.⁷¹

The unification law of 9 June 1871, determined that Alsace and Lorraine become the *Reichsland Elsaß-Lothringen*, that is, a territory under the direct rule of the central institutions of the *Reich*.⁷² One of the major reasons for this decision were *Reich*-internal rivalries between Bavaria and Württemberg over the distribution of Alsace and Lorraine, and between the southern German states as a whole and Prussia over influence within federal institutions.⁷³

Becoming a territory under the direct rule of the central institutions of the *Reich* meant that all executive powers were vested in the *Kaiser*, who, with the approval of the federal council,⁷⁴ also exercised all legislative powers, thus effectively excluding the federal diet from all matters concerning the *Reichsland* except the granting of loans.⁷⁵ The chancellor of the *Reich* was at the same time the minister president of *Elsaß-Lothringen*. According to an administrative law of December 1871, a governor was appointed who was to handle most of the executive affairs concerning *Elsaß-Lothringen* and who reported directly to the chancellor. His competence extended to all French laws and regulations which, formerly being the responsibility of the French central government, continued to be in force in the *Reichsland*. This

"Das Problem Elsaß-Lothringen", in Theodor Schieder and Ernst Deuerlein, *Reichsgründung 1870/71* (Stuttgart: Seewald, 1970), pp. 366-385, here p. 366.

⁷¹ All figures from Huber, *Deutsche Verfassungsgeschichte*, p. 442-443. There are a number of other estimates: Stoeckicht, for example, gives a loss of about 460,000 people and a gain of 400,000. Cf. Otto Stoeckicht, *Sprache, Landschaft und Geschichte des Elsaß* (Marburg: Elwert, 1942), p. 37. Essig, in contrast, notes 50,000 emigrations from, and 400,000 immigrations to Alsace and Lorraine. Cf. Essig, *Das Elsaß*, p. 124.

⁷² Three other options had been developed as well. One was the distribution of the territories to the neighbouring German states of Württemberg and Bavaria. Another one was incorporation into Prussian territory. A further possibility was the appointment of one of the German princes to hereditary rule over Alsace and Lorraine.

⁷³ This was particularly true for the federal council where the number of votes of each state was determined according to its population. In this context, Janßen draws attention to a memorandum of the Bavarian government of 1 August 1917(!), in which a possible incorporation of the *Reichsland* territory into Prussia is rejected as being in breach of the federal principles of the *Reich's* constitution, whereas incorporation into the Bavarian state is desired as a counter-balance to Prussian domination. Cf. Karl-Heinz Janßen, *Macht und Verblendung* (Göttingen: Musterschmidt, 1963).

⁷⁴ The federal council was, and still is, one of Germany's constitutional legislative organs. Being composed of delegates from the state governments, it provides a balance to the directly elected members of the federal diet in Germany's federal political system.

⁷⁵ Cf. Hans-Ulrich Wehler, *Krisenherde des Kaiserreichs* (Göttingen: Vandenhoeck & Ruprecht, 1970), p. 25.

first step towards decentralisation was complemented at local level – three departmental and twenty-two district governors were appointed to administer local affairs.

Part of this decentralisation process was the so-called dictatorship Article. In its tenth provision, the administrative law of December 1871 granted the governor of *Elsaß-Lothringen* far-reaching emergency powers to be exercised at his own discretion without the necessity of prior consultation with the federal diet, federal council, or federal chancellor. The powers listed in this paragraph were widely exercised in the early years of German rule over Alsace and Lorraine, particularly in attempts to deal with the protest movement, which was organised in the *Ligue d'Alsace* and which, in contrast to the autonomist movement that developed after 1873, refused any co-operation with the German administration. Leading figures of the protest movement were exiled, cultural and political organisations suspected of anti-German activities were prohibited, or serious restrictions imposed on their activities. Newspapers were banned, elected mayors and local councils suspended and provisional local authorities installed.⁷⁶ Mutually intensifying protests and measures of repression led to ever increasing tensions between the local population and the German administration.

As a result of these tensions, the extension of the German constitution to *Elsaß-Lothringen*, which had been envisaged in the unification law for 1 January 1873, was postponed for an entire year. Only in 1874 were the inhabitants of the *Reichsland*, unless they were migrants from other German states, granted full citizenship rights, including the right to elect their own representatives to the federal diet. Being represented by fifteen elected members in the federal diet meant that the population now had at least some modest indirect influence on legislation concerning the *Reichsland*. The first elections to the federal diet, however, indicated clearly how little support there was among the population of the *Reichsland* for integration into Germany. The candidates of the protest movement won an overwhelming victory. They had fought their campaign primarily based upon one of the central components of Alsatian identity – Catholicism – and managed to mobilise significant electoral support among all sections of the

Alsatian population, who, for the first, but by no means last, time after 1871 acted jointly on the basis of a sense of (religious) community distinguishing them from their rulers. This protest movement, which had its stronghold among the rural Catholic Alsatian population and was led by the clergy, rejected the Protestant-dominated Reich, and the Protestant Prussian administrators sent to the Reichsland, who refused to co-operate with the Catholic church.

The Formation of the Autonomist Movement and Its Absorption into the Protest Movement

Apart from protest on confessional grounds in the context of the *Kulturkampf*, there was also a French nationalism-inspired stream of resistance against the annexation. For quite different reasons, the urban bourgeoisie rejected the authoritarian and monarchist German system. They favoured France as the culturally and politically more advanced nation, with which they had so visibly identified for more than half a century, resulting in a widely shared sense of community based above all on shared political memories, 'to which every walk through the museum of Kolmar testifies, which is full reliquia (... especially from the revolution) that may appear trivial to the outsider, but are cherished by the Alsatians.'⁷⁷ Initially, Alsatians also had reservations about the economic consequences of the political change of boundaries.⁷⁸

With the elections to the federal diet in 1874, changes in the legislative process in the *Reichsland* occurred: all legislative powers were transferred from the emperor to the federal diet and the federal council. By decree of the emperor of October 1874, an assembly, composed of appointees by the emperor, corporate delegates and delegates from elected local councils, was established in *Elsaß-Lothringen* and granted consultative powers regarding legislative proposals.⁷⁹ These powers were extended in 1877 when the consultation of this assembly and its

⁷⁶ The investiture of provisional local councils was regulated by a special law of 24 February 1872. Cf. Huber, *Deutsche Verfassungsgeschichte*, p. 441f.

⁷⁷ Max Weber, *Wirtschaft und Gesellschaft* (Tübingen: Moor, 1972), p. 243.

⁷⁸ Cf. Hermann Hiery, *Reichstagswahlen im Reichsland* (Düsseldorf: Droste, 1986), p. 435.

⁷⁹ Cf. Huber, *Deutsche Verfassungsgeschichte*, p. 445.

approval of laws became necessary prerequisites for the introduction of new legislation in the *Reichsland*.⁸⁰

Originating among the Protestants in the *Reichsland*, in particular in *Lothringen*, the autonomist movement, which developed after 1873, was initially equated with the Protestant milieu in general and was therefore not very popular among the Catholics, who regarded Catholicism as an essential and non-negotiable component of their distinct identity. Acknowledging the territorial and political incorporation of Alsace and Lorraine into the Wilhelmine Empire, the activists of the movement argued for an autonomous status of the *Reichsland* with the prospect of it eventually becoming a federal state. Its initial demands concerned the transfer of the *Reichsland* government from Berlin to Strasbourg and the upgrading of the assembly to an elected diet. After winning five of the fifteen seats to the federal diet in the 1879 elections, most of their demands were fulfilled, when the *Reichsland* was given a new constitution and with it an improved form of autonomy on 4 July 1879.⁸¹ As a consequence, the original autonomist movement disintegrated rapidly. Its ideas, however, were picked up by the, mainly Catholic, protest movement, which, in the light of the secularisation of the French state and the Dreyfus affair, came to realise that co-operation with the German authorities within the institutional framework established in 1879 brought certain advantages for the *Reichsland*. As a result of the fusion between parts of both movements the *Elsaß-Lothringer Partei* (ELP) came into being which was prepared to co-operate with the German authorities, although a small radical wing within the party maintained its resistance against German integration attempts until after 1890.

However, three major restrictions to *Elsaß-Lothringen*'s autonomy remained: the Federal Council was still involved in the legislative process, the federal diet had subsidiary competences for the *Reichsland*, and there was only consultative representation in the federal

⁸⁰ Ibid., p. 453.

⁸¹ Instead of the dual executive arrangements of chancellor and governor, a new office of a representative of the emperor was created, located in Strasbourg. All competences of the chancellor and governor concerning *Elsaß-Lothringen* were transferred to this representative. The incumbent of the position was directly responsible to the emperor, rather than to the chancellor. To perform his function successfully, the representative was at the same time

council.⁸² This alone caused considerable dissatisfaction within the ELP, but the main target of protest remained the dictatorship paragraph, the powers of which had simply been transferred to the emperor's representative, who exercised them widely between 1881 and 1884, for example, in an attempt to reduce the propagandistic efforts of the ELP by banning four newspapers.⁸³ Nevertheless, successive representatives of the emperor until 1907 were determined to find an arrangement with the pro-French upper class and were helped in this by the rapidly advancing economic integration.⁸⁴ Similarly, a number of concessions made in relation to French cultural and language matters eased relations between the French-speaking part of the population and the German authorities.⁸⁵

The Increasing Success of German Integration Policy

The promotion of German language and culture generally fostered the integration process.⁸⁶ Decisions to make German the only official language in the administration and in court as early as 1871, and to found a German-speaking university in Strasbourg⁸⁷ were welcomed by the predominantly German-speaking population and had made German rule more acceptable by the turn of the century.⁸⁸ This process had begun as early as the 1870s among the Protestant

head of a ministry exclusively concerned with *Reichsland* affairs, which was located in Strasbourg as well. The assembly was granted the right to initiate legislation.

⁸² Wehler, *Krisenherde*, p. 31.

⁸³ Cf. Huber, *Deutsche Verfassungsgeschichte*, p. 459.

⁸⁴ Wehler, *Krisenherde*, p. 33f. On the economic aspects of integration cf. also, Hermann Schreiber, *Das Elsaß und seine Geschichte* (Gernsbach: Katz, 1988), p. 325f., and Solange Gras, "Regionalism and Autonomy in Alsace since 1918", in Stein Rokkan and Derek W. Urwin, *The Politics of Territorial Identity: Studies in European Regionalism* (London: Sage, 1982), pp. 309-354, here p. 311.

⁸⁵ In 1872, French had been banned from the curriculum except for children who had started school before 1871. (Cf. Trouillet, *Das Elsaß*, p. 91.) In 1875 special provisions were made for native speakers of French, allowing the language to be taught at school in initially 385 local communities and was extended to 435 by 1882. (Cf. Wehler, *Krisenherde*, p. 51ff.) This, however, should not be taken as indicator of a generally liberal cultural policy in terms of the integration process. A more clearly assimilationist background can be assumed to have guided the decision to introduce German as an obligatory subject at school in the predominantly French-speaking areas in 1874. Cf. Trouillet, *Das Elsaß*, p. 91.

⁸⁶ There were more than ninety-five per cent German-speakers in lower Alsace, almost eighty per cent in upper Alsace, and more than fifty per cent in Lorraine, to which could be added about thirty per cent bilinguals. *Ibid.*, p. 90.

⁸⁷ The foundation of a German-speaking university in Strasbourg had been among the twenty-two demands made by an assembly of Alsatian notables in April 1871 as precondition of Alsatian acceptance of German rule. Cf. Max Rehm, *Reichsland*, pp. 17 and 19.

⁸⁸ Cf. Vassberg, *Alsatian Acts*, p. 17f.

population, especially of East Lorraine, but it took until the 1890s for the Catholic population to feel similarly pro-German.⁸⁹

The conciliatory policies towards the French-speaking upper class on the part of the emperor's representatives were accompanied by a simultaneous neglect of the working class and the rural population and of the necessity to include them in the integration efforts. Initially, this resulted, in combination with a number of other factors, in a strongly pro-French election in 1887. In the long term, however, the favouring of the upper classes meant the break-up of the previous pro-French nationalist interest coalition that had cut across class boundaries in the *Reichsland*. This resulted in developments that eventually worked in favour of the integration process as the class and ideology-based German party system could more easily expand to *Elsaß-Lothringen*, most notably the SPD, which advanced to become the second strongest party in the *Reichsland* and became the most consequential advocate of democratic reforms in the constitutional status of *Elsaß-Lothringen*. From the 1890s onwards, particularism as an influential political movement lost its electoral appeal, and a new period of liberalisation began.⁹⁰ Apart from some anti-German feeling being triggered by the 1905 German-French Morocco crisis and repressive measures against pro-French agitation,⁹¹ the first decade of the twentieth century strengthened the ties between *Elsaß-Lothringen* and the rest of the German *Reich*. With the constitutional reform of 1911, the integration process of *Elsaß-Lothringen* into the *Reich* progressed further. Even though Alsace-Lorraine did not achieve full equality with other states in the federal structure of the *Reich*, the improvements in the 1911 constitution were significant. The new electoral regulations gave voting rights to all male inhabitants of the *Reichsland* over twenty-five years of age, irrespective of whether they had the citizenship of Alsace-Lorraine. A three-year minimum period of residence was required – except for civil servants, teachers and members of the clergy, who gained voting rights after a minimum of one

⁸⁹ Cf. Rehm, *Reichsland*, p. 36.

⁹⁰ In 1898, the liberal press law, which had been in force in the rest of Germany since 1874, became valid in *Elsaß-Lothringen* as well, the dictatorship paragraph was abandoned in 1902, the same year saw the establishment of a Catholic faculty at the University of Strasbourg, and in 1905 and 1908 laws were passed which governed the establishment and conduct of political and cultural organisations in the *Reichsland*.

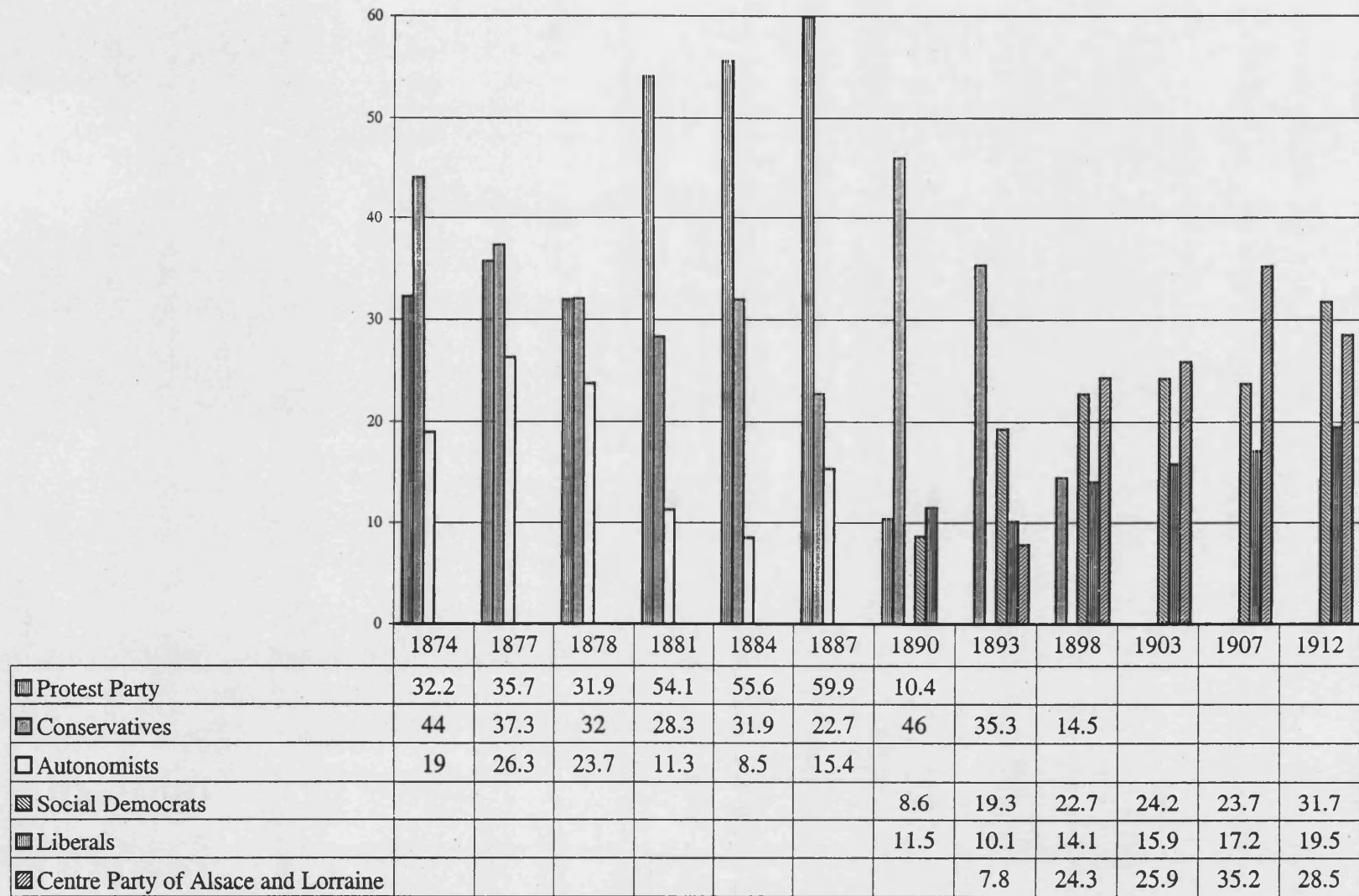
⁹¹ Cf. Huber, *Deutsche Verfassungsgeschichte*, p. 466.

year's residence. Furthermore, a two-chamber diet was established in the *Reichsland*. While the members of the first chamber received their mandate through holding a specific office, through election by a corporate body, or through appointment by the emperor, those of the second chamber were directly elected by the population of Alsace and Lorraine. Election results after 1911 showed hardly any differences in comparison to other federal states of a similar confessional and social stratification, such as Bavaria, and indicated that the party political integration had, after more than thirty years, be completed as is shown below, with Liberals, Catholic Centre Party, and SPD dominating.⁹² After 1912 tensions between the *Reichsland* and the *Reich* began to increase again. The legal status of *Elsaß-Lothringen* was only insufficiently secured and there were no constitutional provisions to guarantee its position as a *de facto* federal state.⁹³ In addition, the military began to interfere more and more in matters of civilian administration and displayed a general mistrust and dislike of the local population. The beginning alienation between the *Reichsland* and Germany proper was then further aggravated by the conscription of men from *Elsaß-Lothringen* after 1914, by the fact that the nine French-speaking communities had to use German in their administrative business, and by the beginning Germanisation of family and place names, none of which was justified by the course of the war, or understood by the population. In addition, Alsace and Lorraine carried a heavy burden of civilian casualties and collateral damage throughout the war. Thus, it was not surprising that with the last German soldier leaving the *Reichsland* in 1918, the apparent success of the integration process, facilitated by the federal structure of the German polity, seemed to have been an illusion.

⁹² Other parties competing in Alsace-Lorraine were the *Deutsche Reichspartei* and the *Deutsche Konservative Partei* (both after 1890) and the *Lothringischer Bund* after 1898. The Liberals, committed to moderate autonomism, formed a united party only after 1903.

⁹³ Cf. Wehler, *Krisenherde*, p. 48ff. and Hans-Ulrich Wehler, *Sozialdemokratie und Nationalstaat* (Göttingen: Vandenhoeck & Ruprecht, 1971), p. 78.

Figure 1: *Reichstag* Election Results in Alsace-Lorraine, 1874-1912 (Plurality Voting System)



Summary: The Success of German Integration Policy, 1871 – 1912

The *Reichsland* period was a period of conflict mainly between German authorities and a wide spectrum of Alsatian activists opposing the separation from France. Opposition against Germany and German policies was not united. United in their desire to have Alsace and Lorraine treated with respect to a historically grown distinctiveness, particularist demands manifested themselves in various ways and for different reasons: pro-French protesters who refused any kind of co-operation with the German Empire; the Catholic church and, to a lesser extent, the Protestant church, both of which rejected Prussian dominance and the *Kulturkampf* initiated by Bismarck which threatened their influential position in social and political life; and an initially small, yet eventually successful, group of autonomists who accepted German rule in general but demanded a political status for Alsace and Lorraine identical with that of any other state in the German federation, so as to provide an institutional framework within which the Alsatians and Lorrainians in the *Reichsland* could administer their own affairs and preserve, express, and develop their distinct identity.

While economic and infrastructural integration happened rather fast and smoothly and were more or less completed within the first decade of German rule, political integration progressed significantly only after the early 1890s with more and more national German parties expanding to Alsace or founding or supporting local parties. Election results in Alsace began to show decreasing differences between Alsace and the rest of the German empire.

The federal structure of the German state in general influenced the development towards Alsatian autonomy positively and brought about results well beyond the capabilities of the autonomist stream within the particularist movement in Alsace and Lorraine. Federalism in Germany left sufficient room for the cultural distinctiveness of the region, and showed, if only implicitly, a certain respect for the identity of its population. At the same time, however, the rivalries existing within the German Empire limited the degree of autonomy Alsace and Lorraine were granted.

Table 6: Conditions Accounting for the Success of German Integration Policy between 1871 and 1912

<ul style="list-style-type: none"> • In France: <ul style="list-style-type: none"> □ Relatively low public interest in Alsace and Lorraine □ Absence of a powerful lobby of emigrants from Alsace and Lorraine influencing French government policy □ Secularisation running counter to long-established traditions in Alsace and Lorraine • In Germany: <ul style="list-style-type: none"> □ Preservation of traditional laws and customs □ Policy of gradual devolution of powers to the <i>Reichsland</i> □ Expansion of the German party-political system into Alsace and Lorraine □ Federal structure of the German <i>Reich</i> eventually facilitating a significant measure of autonomy □ Decreasing tensions between Alsations and Germans □ Investment in industrial and infrastructural development and economic integration into the German market • In Alsace and Lorraine: <ul style="list-style-type: none"> □ Non-violent opposition against German annexation □ Particularist movement sought to achieve autonomy within, rather than independence from Germany □ Gradual decline of regional parties and simultaneous acceptance of established German parties as legitimate representatives of <i>Reichsland</i> interests □ Perception of developments in France, especially of secularisation, as disadvantageous for the preservation of the distinct identity of people in Alsace and Lorraine □ Economic and infrastructural advantages of integration with Germany

The Inter-War Period, 1919-1940*

Recovering Alsace and Lorraine was an undisputed war aim across the political spectrum in France.⁹⁵ The only dissent emerged over the way how to achieve it.⁹⁶ None of France's allies strongly objected to these plans and the mood in the *Reichsland* seemed in favour of reunion,

⁹⁴ The return to France marked the administrative disintegration of the former *Reichsland*. Alsace and Lorraine became separate entities and took different developments. Although there are undeniable similarities, the analysis from now on will focus on Alsace.

⁹⁵ The French war aims regarding Alsace and Lorraine were informed by various considerations. The ambitious economic goals of leading French politicians to transform the republic into a modern industrial state after the end of the First World War were obviously only achievable through territorial gains of economic significance. In addition to that, the loss of Alsace and Lorraine as a result of the Franco-German war in 1870/71 had remained a painful memory for the French national consciousness.

⁹⁶ The left within the Socialist Party demanded a plebiscite, the government and the right wing of the socialists envisaged a peace treaty. In any case and mostly for economic reasons, a return of Alsace and Lorraine was demanded according to the borders of 1814, that is, including the Saar basin with its important coal resources.

even though hopes for reunification with France were not equally shared among all parts of the population.

The revolutionary atmosphere in Germany had a deterring effect on the Alsatian bourgeoisie, which soon opted for a return to France. The developing widespread enthusiasm over a possible return to France was further encouraged by assurances from leading French politicians, like Joffre and Poincaré, to respect Alsatian rights, traditions, customs, and religious beliefs. This apparent recognition of the distinct Alsatian identity and the promise to establish appropriate conditions to facilitate its preservation, expression, and development seemed to take account of the achievements of the particularist movement during the Reichsland period. In its political intention to lower the resistance of the population against a change in sovereignty, it resembled similar developments in South Tyrol in 1919 and in the Saar in 1944/45. This apparent accord between France and Alsace, however, was built on a double illusion. Each had an almost mythically idealistic image of the respective other based on the pre-1870 common development and history. This disappeared rapidly under the mounting pressure of the inevitable reintegration problems. The French authorities were not prepared to make any political or administrative concessions to the Alsatians' desires to retain what they had earned from the Germans in their struggle for full autonomy and equality as a federal state, mostly because they underestimated the significance of the quasi-autonomy Alsatians had achieved through the 1911 constitution and their willingness to preserve as much of it as possible.⁹⁷

Centralisation, Purification, and Assimilation: French Policy, 1919-1924

After the re-introduction of the departmental structure to Alsace and Lorraine had initially failed in 1919, a High Commission for Alsace and Lorraine was set up instead as part of the French centralisation effort vis-à-vis the former *Reichsland*. This status was changed in 1920 by relocating the administrative offices of the High Commission to the respective central ministries in Paris. By 1924 the introduction of a centralised bureaucracy which exercised an exceptional

⁹⁷ Kurt Hochstuhl, *Zwischen Frieden und Krieg* (Frankfurt am Main: Lang, 1984), p. 2.

degree of control over Alsatian affairs had been completed and the *Commissariat Général* was eventually abolished in 1924 and replaced by a *Direction Générale* for Alsace and Lorraine under the direct authority of the Prime Minister which had local offices in Strasbourg dealing with educational, religious, and social affairs.⁹⁸ Instead of the former two-chamber assembly a bureaucratic board with only consultative powers was established. All these measures made it clear that nothing would remain of the initial promises of 1919.⁹⁹ Instead, the subsequent restoration of the three departments of Moselle (Lorraine), Bas-Rhin (Lower Alsace), and Haut-Rhin (Upper Alsace) made the former *Reichsland* a part of the centralised French state just like any other area.

One of the first measures of 'purification' was the classification of the population according to their supposed attachment to France into four categories: indigenous people, mixed marriages and their descendants, immigrants from neutral states, and immigrants from the former German *Reich*. Based on this classification, all those suspected of pro-German feelings were expelled; all together between 120,000 and 150,000 people left some of them being forced out, the others leaving voluntarily.¹⁰⁰ In addition to this, a number of teachers and civil servants, particularly those with an insufficient command of French, were dismissed from their offices and their jobs, particularly the higher ranking positions, were taken by French migrants to Alsace.

Although French was introduced as an official language in public life, education, and administration, the integration process did not proceed rapidly in every part of Alsatian society. For example, local civil laws, including the Napoleonic concordat¹⁰¹ and the laws governing the

⁹⁸ Cf. Lothar Kettenacker, *Nationalsozialistische Volkstumspolitik im Elsaß* (Stuttgart: DVA, 1973), p. 14.

⁹⁹ Gras, *Regionalism*, p. 321.

¹⁰⁰ Rothenberger gives a figure of 150,000 emigrants. Cf. Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung zwischen den beiden Weltkriegen* (Frankfurt am Main: Lang, 1975), p. 36ff. The estimate of Essig is slightly lower, he speaks of only 120,000 people being expelled or leaving. Cf. Essig, *Das Elsaß*, p. 133.

¹⁰¹ According to the concordat, members of the clergy were trained at the expense of, and paid by, the state.

status of the confessional school system distinguishing between Catholic and Protestant schools and providing religious education as part of the curriculum, were legally recognised in 1924.¹⁰²

With their linguistic distinctiveness being an essential feature of most Alsations' identity, the failure of successive French governments to create appropriate facilities to account for these linguistic differences grew to be the source for severe grievances and a major focal point of the particularist movement in the following years. Three issues were of particular concern. French was used as the official language in the administration, the only exception being tax demands which were sent out both in French and German, which did not contribute significantly to the psycho-social integration process. With French being the only language allowed in court, certain principles of the rule of law became significantly violated, most of all those of defendants in criminal trials. The abrupt introduction of French as teaching language caused a drop in pupils' performances at school.¹⁰³ The abolition of German as a properly taught subject at school and its abandonment as a teaching language have had their repercussions until the present. While initially there was a real loss of communicative ability reducing it to proficiency only in a spoken dialect of which no written form existed,¹⁰⁴ the linguistic situation in Alsace was, and still is today, one of triglossia (standard French, high German, and local dialect), which has complicated efforts to maintain a cultural tradition.¹⁰⁵ This triglossia, however, is also a unique feature of Alsatian identity, distinguishing Alsations from both French *and* Germans: 'The fact that they speak French distinguishes Alsations from Germans, the fact that they speak German distinguishes them from the French, and the fact that they speak dialect distinguishes them from both.'¹⁰⁶ In general, cultural problems, however, were beginning to dominate Alsatian politics as early as the 1920s since they touched upon two central issues of Alsatian identity – its *Volkstum*, i.e., its traditions, customs, and language, and

¹⁰² Because of its separation from France between 1871 and 1918, Alsace and Lorraine had not been subjected to the secularisation laws of 1905 that determined a clear distinction between the roles of the state and the church. Cf. Essig, *Das Elsaß*, p. 135.

¹⁰³ Between 1921 and 1927, between fifty-three and fifty-nine per cent of all candidates for the *baccalauréat* failed their exams. Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 51ff.

¹⁰⁴ Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 53.

¹⁰⁵ Cf. more detailed below. Also Trouillet, *Das Elsaß*, p. 24.

the ideal of Alsace bridging the cultural and political gap between France and Germany. The desire to preserve these particularities of Alsatian identity clashed with the French intention not only to integrate Alsatians politically and economically, but also to assimilate them culturally.

A first major setback to this policy occurred in the economic sector.¹⁰⁷ Because of the strong degree of centralisation and control, there were immediate political repercussions of the economic misery in which Alsatians found themselves inasmuch as the French government was held completely responsible for everything. Consequently, the 1919 and 1920 general strikes in Alsace also had, apart from the economic dimension, a strongly pro-Alsatian aspect.¹⁰⁸ This became most obvious in the defence of the ancient rights of the Alsatian people, the so-called *Heimatrechte*, which came to play a central role in the political and cultural life of the whole period from 1919 to 1939/40 and which were the major focal point of the re-emerging particularist movement.¹⁰⁹ The slogan 'Alsace for Alsatians' was first used against the looting of Alsatian resources by French companies.¹¹⁰ Soon, the growing particularist movement encompassed a wide spectrum of political parties, including the communists.

The Alsatian Response: Rebellion of the Clergy, 1924-1926

Clearly, not all Alsatians were unconditionally in favour of complete integration, including cultural assimilation, but its opponents were by no means a homogeneous force. What united the population was the aim of defending ancient Alsatian rights. What divided them was how

¹⁰⁶ Eugene Phillips, *Schicksal Elsaß. Krise einer Kultur und einer Sprache* (Karlsruhe: Müller, 1980), p. 37.

¹⁰⁷ Economic integration required an almost complete restructuring of the Alsatian economy because France was not able to absorb the same products as Germany. Integration in economic terms was furthermore hindered by the fact that Alsace was poorly linked with the rest of France in terms of its infrastructure. The agricultural sector suffered from overproduction of cereals and a decline in dairy farming and viticulture. While engineering and brewing managed to survive comfortably, the textiles industry declined rapidly and the banking sector was badly affected by French competition and the withdrawal of German capital from the now French territory. The generally difficult situation of the world economy only increased the existing problems. Further problems existed in terms of the different social security and tax systems in France and Germany. Cf. Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 46-47. A more positive account of the economic development until 1925 is given by Hochstuhl, *Zwischen Frieden und Krieg*, p. 8ff.

¹⁰⁸ The 1919/1920 general strikes were the first mass symptoms of the Alsatian *malaise* reflecting the strong sense for regional aspects of the problems encountered by workers and employees in Alsace.

¹⁰⁹ Initially, specific demands centred around the treatment and promotion of Alsatian civil servants, especially the policy of their exclusion from senior positions in the civil service, which were given to immigrants from *France intérieure*, who also received a bonus on their salary comparable only to that in the colonies; the maintaining of the social insurance and pension systems from the period of German rule. Cf. Hochstuhl, *Zwischen Frieden und Krieg*, p. 4f.

the future of the region should be secured – in France, in Germany, or in an independent state. Thus, the emerging particularist movement, even though it was rooted in a widely shared sense of community among Alsatians based on their cultural distinctiveness from both France and Germany, was everything but homogeneous. Neutralists argued for a separation of Alsace from France, but not to reunite with Germany. Rather, their idea was to create a state of their own, modelled on the ancient Lotharingian state established after the split-up of the empire of Charles the Great.¹¹¹ Francophile integrationists only wanted to reserve the right for maintaining the concordat and the confessional school system in Alsace.¹¹² By far the strongest and most consistent wing were the autonomist groups, among which there was always a small pro-German group.¹¹³

The 1924 parliamentary elections in France resulted in the formation of a left-wing government which made a renewed attempt at ending the special confessional status of Alsace. In contrast to the national trend towards the left, Alsatian right-wing parties, despite losses, continued to dominate politics.

The resistance movement against the secularisation policies of the French government benefited significantly from these election results. The Catholic clergy, who had filled the vacuum of the elite who had left after 1871 and had proved to be a strong supporter of the *Heimatrechtsbewegung* under German rule,¹¹⁴ were able to mobilise the region against government policies aiming at the abolition of the concordat and the confessional school system in conjunction with the UPR and the Catholic League.¹¹⁵ For a long time, religion had occupied

¹¹⁰ Gras, *Regionalism*, p. 319.

¹¹¹ Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 58.

¹¹² *Ibid.*, p. 59.

¹¹³ Those supporters were initially writers fearing loss of their public, civil servants fearing loss of jobs, and employers fearing loss of contracts and markets. Later on, however, this part within the autonomist movement became dominated increasingly by pro-nazi elements that contributed to the discrediting of the movement as a whole. Gras, *Regionalism*, p. 313f.

¹¹⁴ Hochstuhl, *Zwischen Frieden und Krieg*, p. 2.

¹¹⁵ In this context, a new line of argument based on the natural rights tradition began to dominate the political thinking of clerical as well as liberal particularists. According to this argumentation, both clergy and population were only obliged to loyalty vis-à-vis the French state as long as the latter maintained its earlier commitment to leave the concordat and confessional school system untouched. In addition to this, the question was raised under what conditions Alsatians would be allowed to approach the League of Nations directly claiming an infringement of their

a central place in Alsatian life and identity, bearing a similar mark of distinctiveness as it did (and does) in Northern Ireland and South Tyrol. The church provided stable institutions and a socially privileged cadre which filled a gap at the political and administrative level. Due to the frequent changes of citizenship, Alsations had found their identity in religion rather than in social and political trappings.¹¹⁶ Thus, a threat to confessional arrangements hit right at the heart of Alsatian identity and concerned all strata of Alsatian society. The middle class was most concerned about secularisation policy because of its political as well as religious commitments, which was true just as much for the rural milieu where peasants were particularly loyal to their faith.¹¹⁷ Thus the religious question became the springboard for the growing particularist movement because it obliged all political parties to take a stance on French integration policy in Alsace. Eventually, it was the religious question which bridged the gap between the pro-French and the pro-German particularists, at least in the critical defence of the concordat in 1925/26.

Although a 1925 decision by the French state council decided that the concordat would remain in effect, this did not mean the end of the secularisation policy in Alsace. Rather, the French state now concentrated all its efforts on the abolition of the confessional school system. Yet there was a similarly fierce response by the population and the clergy, including a school strike and a referendum organised by the clergy against any changes in the education system.¹¹⁸ Only the dismissal of the Herriot government in April 1925 put a momentary end to these policies.

The successful defence of religious rights proved to be important in three ways. It showed that a massive popular movement could prevent French integration policies from succeeding in Alsace. Furthermore, it had demonstrated that an alliance between all major players in Alsace cutting across ideological boundaries was possible and able to succeed.

rights as a minority. (Rothenberger, *Die elsass-lothringische Heimat- und Autonomiebewegung*, p. 86.) The fact that Alsations had not been officially recognised as a minority by either the French government or the League of Nations did not prevent this question from emerging then or in future years.

¹¹⁶ Ibid., p. 321.

¹¹⁷ Ibid., p. 32.

Eventually, it initiated a realignment of the whole Alsatian party system because all parties now had to position themselves on whether and how to defend ancient Alsatian rights. This realignment process first affected the parties internally and brought to the fore the long existing division in almost all parties active in Alsace between pro-integrationist forces, i.e., those who advocated for complete integration, including cultural assimilation, and pro-particularist forces, i.e., those who, although in favour of political and economic integration, preferred that their distinct identity as Alsations be preserved and a certain degree of self-administration be granted to them in order to accomplish this goal. The most important psycho-social development in this context of the beginning realignment of the party system was the emergence of a *geistiges Elsässertum*, an intellectual Alsatianism, which after initially dominating more radical and intellectual autonomist circles began to develop into something similar to an Alsatian national consciousness centring around four core demands – preservation of the religious *status quo*, self-administration of Alsace, improvement of the status of local civil servants, and equality of the German language in public life, education, administration, and in courts. Widely publicised in particularist organs such as *Zukunft*, *Wahrheit*, and *Volksstimme*, these demands, as they emphasised non-negotiable aspects of Alsatian identity were to become the basis upon which the particularist movement would re-emerge as a powerful cross-party political actor in the second half of the 1920s. Although the period of German rule was reassessed more positively and the question of an Alsatian minority status re-emerged as well, no serious demands were made for a separation from France.¹¹⁹

The Impact on the Alsatian Party System

General Developments

The social and economic problems resulting from French policies vis-à-vis Alsace had considerable repercussions for the party-political system. On the one hand, the party system was

¹¹⁸ Kettenacker writes of 600,000 signatures supporting the motion of the referendum against the abolition of the confessional school system. Cf. Kettenacker, *Nationalsozialistische Volkstumspolitik*, p. 15.

¹¹⁹ Cf., for example, *Die Zukunft*, 6 March 1926, p. 1f.

divided between a particularist and an integrationist movement. The dominant party in the former was the Alsatian Republican People's Party (UPR). The party demanded the preservation of concordat and confessional school system, of the autonomy of local communities, and of the German welfare legislation. With respect to the language question, its objective was to achieve an equal status for German alongside French in administration, education, and in court. Political demands were made for regionalisation of the French state as a whole and the establishing of an elected assembly with budgetary powers. A similar party with an almost identical programme existed in Lorraine.¹²⁰ The UPR, thus, expressed nothing but the traditional demands of Alsatian particularism for conditions under which it would be possible to preserve, express, and develop the distinct Alsatian identity that had developed over the centuries and gave Alsations a sense of community and feeling of solidarity beyond class and ideological borders.

Apart from this region-based party, the Socialist Party of France (SFIO), although generally uncompromisingly pro-integrationist, supported regionalist demands in its left wing between 1919 and 1922.¹²¹ As the SFIO was prepared to give up the concordat and the confessional school system,¹²² and came from the opposite side of the political spectrum, the UPR did not seek a coalition with it. The third among the particularist parties was the Communist Party of France (PCF). Integrationism was represented by two parties – the Republican Democratic Party (PRD)¹²³ and the Radical-Socialist Party (PRS).¹²⁴ Symptomatic for them was the internal divide between a strictly nationalist or integrationist wing and one that was more sensitive to the Alsatian situation and considered the preservation of certain ancient rights as acceptable. Thus, Alsatian particularism in the early 1920s was represented in three

¹²⁰ Cf. Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 61f.

¹²¹ The first socialist party in France was created in 1905. It split in 1920 to two parties, one of them becoming the Communist Party. After 1922, the left wing of the SFIO joined the newly founded Communist Party of France. Cf. Hochstuhl, *Zwischen Frieden und Krieg*, p. 5.

¹²² Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 62.

¹²³ The PRD had its stronghold among the Alsatian and for the most part Protestant bourgeoisie. Its aims were a rapid assimilation and centralisation, but its demands for a secularisation of Alsatian society became less forceful after the party entered an election coalition with the UPR.

different ideological streams – a dominant right-wing clerical one, and the two less prominent radical and communist ones. The lack of success of the particularist movement in this period had also to do with the fact that the ideological gap between these three streams could not be bridged in the early years of the particularist movement. This weakened the forces who insisted on an Alsatian special status within France in all political parties and among the population¹²⁵ and partly accounts for the domination of the pro-integration wings in the political parties in Alsace in early 1920s.

Right-wing parties dominated throughout the period and at all electoral levels. The clear left-right divide in Alsatian politics extended also to particularism – the right suspected it of anti-national sentiments, the left saw it as a bulwark of the clerical forces.

Nevertheless, from the early 1920s onwards, the political parties in Alsace became increasingly sensitive to the fact that a political stance in favour of particularism would increase electoral success. Here, the most radical stance was adopted by the French Communists, who explicitly spoke out in favour of a resolution by the Interparliamentary Conference of European Communists in 1925. This resolution demanded that the right of self-determination be granted to the Alsations and that the French military and civil administrations be withdrawn from Alsace until a referendum had decided on the future of the area.¹²⁶ The PRD, since 1919 the coalition partner of the UPR in the *Bloc national*, made more general demands for a special status for Alsace, while the UPR passed a number of pro-particularist resolutions with concrete demands concerning the equal status of the German language, the preservation of the confessional school system and the concordat, and a regional self-administration and the establishment of an elected body with its own executive and legislative powers, except for the national budget and foreign

¹²⁴ The radical socialists, representing the liberal petite bourgeoisie, were strongly anti-clerical and pro-assimilationist.

¹²⁵ That the implicit autonomism in particularist political demands, at the time, was not a very successful or attractive concept became obvious in the fate of the Alsatian Party. Founded in 1922, its major programmatic issue was opposition to French policy in Alsace. Although the party raised similar demands as all the others, it had committed itself to the ambitious aim of overcoming the ideological divide within the Alsatian particularist movement by appealing to an ideologically indifferent *geistiges Elsässertum*. The disintegration of the party in the same year showed the little support this concept was able to generate in the early 1920s.

and defence policy. The party also renewed its demands for the regionalisation of the French Republic as a whole. The radical socialists limited their particularism to the language issue. The SFIO took the most radically pro-integrationist stance. With the exception of the 1929 Senate elections,¹²⁷ the UPR was the dominating Alsatian party and its ties with the Catholic clergy made it the most powerful political player. The UPR had descended from the German Catholic *Zentrum* and was committed to Christian socialism. Thus being at the right of the French political spectrum, its opposition against French integration was not so much a matter of national belonging, but rather a form of political opposition against the secular French state and especially the French left.¹²⁸ The churches, on the other hand, had two essential preoccupations. One of them – the fight against the secular and left-wing regime in *France intérieure* – met with the intentions of the UPR. In addition to that, the protection of the faith against the presumed pernicious influences from beyond the Vosges were, although closely related to the first aim, also a matter of preserving a traditional cultural distinctiveness for Alsace. While both aims were being guaranteed success only through the preservation of the German language and the Catholic religion, the latter aim made the Catholic clergy an obvious partner for the particularist movement.

Party-political support in Alsace is summarised in the two tables below, which give the seats won by the parties in all parliamentary elections in Lower and Upper Alsace between 1919 and 1936.

Table 7/1: Seats Won in Elections to the Lower Chamber of the French Parliament, 1919-1936 (Majoritarian Double Ballot Voting System)

	UPR ¹	PRD ²	APNA ³	SFIO ⁴	PCF ⁵	KP-O ⁶	ELFP ⁷	Indep.
1919	9	7						
1924	8	5		2	1			
1928	7	1	3	2		1	1	
1932	9	2	1	1		1	1	1
1936	9	1	1		1	2	1	1

¹ Alsatian People's Party;
² Republican Democratic Party;
³ National Party of Alsace;
⁴ Socialist Party of France;
⁵ French Communist Party;
⁶ Communist Party (Opposition);
⁷ Progressive Party of Alsace-Lorraine

¹²⁶ The resolution covered Lorraine as well. Cf. Rothenberger, *Die elsass-lothringische Heimat- und Autonomiebewegung*, p. 92.

¹²⁷ Cf. below.

¹²⁸ Gras, *Regionalism*, p. 320.

Table 7/2: Seats won in Elections to the French Senate, 1920-1935

(Plurality Voting System)

	UPR	PRD	APNA
1920	6	3	
1927	6	3	
1929	1	3	5
1935	5	2	1

APNA - National Party of Alsace
 UPR - Alsatian People's Party
 PRD- Republican Democratic
 Party

Percentage results are only available for the first three elections and only for the parties as listed below. The picture that they reveal is one of an increasing number of Alsations supporting particularism until the end of the 1920s. By the 1932 elections, however, the share of the pro-assimilationist parties increased overall to above forty per cent, while that of the more particularist orientated ones dropped to under forty per cent.¹²⁹

Table 7/3: Results of Elections to the Lower Chamber of the French Parliament (Percentages), 1919-1928

(Majoritarian Double Ballot Voting System, average figures from Lower and Upper Alsace)

	Bloc National	SFIO	PRS	PCF	PAAL
1919	57.7	36.7	9.4 ⁺		
1924	48.5	29.1	8.6	10.7	
1928	45.0	20.0	3.8	16.5	8.5

⁺Lower Alsace only.

Bloc National - PRD (Republican Democratic Party) and UPR (Alsatian People's Party)

PAAL - Autonomist Party of Alsace-Lorraine

PCF- French Communist Party

PRS - Radical Socialist Party

SFIO- Socialist Party of France

The 'Heimatbund'

The success of the clerical rebellion in 1925/26 was only limited as it did not bring about a general policy shift on the part of the French government. Nevertheless, it had made apparent a strong Alsatian 'we-feeling', a sense of community and solidarity, and had generated more open identification with the particularist cause. Efforts were now made to transform the co-operation between the variety of actors into more permanent organisational structures. As a result of these

efforts, the *Heimatbund*, the homeland league, was founded in 1926 despite disagreements about organisational structure (party or party coalition or loose co-operation network) and certain programmatic issues (concordat, confessional school system).¹³⁰ The overwhelming consensus within the particularist movement centred on two core demands – cultural autonomy and self-administration.¹³¹ However, it was in particular the demand for cultural autonomy in the wider sense, including the religious status of Alsace, that was supported by the majority of Alsations.

Programmatically, the *Heimatbund* retained a number of ideas that had emerged in earlier years. The realisation that Alsace, because of its political, linguistic, cultural, and social traditions, was not only distinct from *France intérieure* and Germany proper, but did actually incorporate features of both cultures, led to a revival of the concept of bridging the gap between the two cultures.¹³² While this was a line of thought particularly prominent among Alsatian liberals, it also became increasingly attractive to other streams within the *Heimatbund*. Thus, moving beyond the narrow provincial aspect of the Alsatian question, the particularist movement gained European dimensions, which persisted until the eve of World War II and became increasingly pacifist, distinguishing clearly between the political ideal of an independent Alsace and a political reality in which this ideal could only be approximated by autonomy arrangements within the French polity.¹³³

¹²⁹ Cf. Bernard Vogler, *Histoire Politique de l'Alsace*, Strasbourg, La Nuée Bleue, 1995, p. 235. I will come back to this shift and its reasons below in the section "The Decline of the Particularist Movement, 1930-1940",

¹³⁰ Its foundation manifesto was signed by some one hundred public figures from Alsace and Lorraine. The membership strongholds of the *Heimatbund* were among the rural Christian milieu, the UPR, and the professional middle class of varying ideological orientations: civil servants, teachers, farmers, merchants, and industrialists, all of whom had suffered losses of some kind due to the reunification with France. Secessionism, despite allegations to the contrary, did not play a significant role in the political discussions in the *Heimatbund*. This became particularly obvious in the warm welcome the Locarno treaty received among Alsations, who realised that with a German guarantee for the French borders in the east one major argument in support of the aggressive assimilation policy had become dysfunctional. Further demands of the *Heimatbund* manifesto were for a popularly elected legislative with budgetary powers and an executive, for safeguards of ancient Alsatian rights, for the maintenance of the confessional statute, for the preservation of the German language alongside French. Rothenberger, *Die elsass-lothringische Heimat- und Autonomiebewegung*, p. 106ff. and Kettenacker, *Nationalsozialistische Volkstumspolitik*, p. 16.

¹³¹ Hochstuhl, *Zwischen Frieden und Krieg*, p. 18.

¹³² Rothenberger, *Die elsass-lothringische Heimat- und Autonomiebewegung*, p. 105f. Anthony Smith makes a similar point, stating that Alsations belong to those ethnic communities that form a nation out of their *ethnie* even without independent statehood. Cf. Anthony Smith, *The Ethnic Origins of Nations* (Oxford: Blackwell, 1986), p. 129.

¹³³ Cf. *Elsässer*, 21 June 1926.

The front of the particularist movement was broadened by the co-operation of Alsatian communists and radical socialists with the *Heimatbund*. Much like most other parties, the communists, who were initially more engaged in economic and social struggle, realised the importance of religion and language for their electoral success in Alsace. In 1926 the Alsatian section of the French communist party decided upon a 'policy of joint action' with the *Heimatbund* which bore fruit in the elections in 1928 and 1929. Alsatian radicals had initially been anti-clerical and in favour of a rapid integration of Alsace by France. Descending from the German liberal tradition, however, the party paid a lot of attention to Alsatian problems in the economy, public sector employment, and the preservation of the dialect. Support for radicalism came primarily from the urban middle classes, Protestants, and Jews. Although the profile of the party in general was 'moderately autonomist' and 'secularly moderate',¹³⁴ there were two different streams within the party, one of them being more assimilationist, the other more committed to Alsatian particularism.

The French Response to the 'Heimatbund'

All these developments indicated an increasing appeal of particularism among the Alsatian population in general and demonstrated the failure of French policies aimed at the cultural assimilation of Alsatians. The connection made by French politicians between cultural assimilation and economic and political integration severely hampered the success of the latter, as Alsatians made the same connection, and their cultural particularism began to show signs of increasing politicisation. From a French perspective, this failure was unacceptable. Although there was no question of secession from France, French nationalists felt threatened by what they perceived to be a potential break-up of the republic. What was seen as particularly threatening was the self-perception of Alsatians as a 'national minority' based upon the criteria of the League of Nations, a concept for which there is even today only limited space in the French constitution. What made this notion of a 'national minority' especially troublesome for France

¹³⁴ Gras, *Regionalism*, p. 324.

was, on the one hand, the fact that there were other latent minority conflicts, such as in Corsica, Brittany, and the Basque country, which created a situation in which concessions to one such potential minority would have had large-scale repercussions for French domestic politics. On the other hand, not only was the insistence on Alsatian difference perceived as a threat to the unity of the republic, it also had a number of very pragmatic aspects. Considering that what the Alsatian particularist movement demanded above all, namely the preservation of its economic and cultural achievements and of the political institutions and status from the *Reichslandzeit*, the main deficit in the French analysis was the failure to see that particularism could only arise and become a political concept of significant appeal among the Alsatian population because of French attempts to destroy the very foundations of what distinguished Alsace from France, regardless of the fact that, despite this distinctiveness, Alsatians were loyal citizens of the French Republic. The same way in which successive French governments equated particularism, and especially its autonomist wing with secessionism, it had been 'common knowledge', essentially since 1789, that integration was only possible by means of assimilation, not realising that the aggressive assimilation attempts put Alsatian loyalty to the test.

Nevertheless, the response of the French central government to the *Heimatbund* was initially rather moderate. Eleven civil servants were dismissed because of their membership in the organisation, and there were a number of sanctions against the lower clergy, doctors, and lawyers on the same grounds, but the general inclination of the government was to come to a quiet solution of the problem, not least because there was no paragraph in French law under which autonomist activities could have been prosecuted. While the government, thus, officially restrained itself from overreaction, French nationalist mobs were encouraged to 'protect the nation.'¹³⁵ The eventual break-up of the cross-party alliance of the *Heimatbund* was achieved by the central government, after it had managed, in addition to a press campaign directed at the

¹³⁵ On Bloody Sunday (22 August 1926), nationalists from neighbouring, mostly non-Alsatian towns, attacked a demonstration of the *Heimatbund*.

intimidation of the pro-particularist section of the Alsatian population,¹³⁶ to win over the higher clergy for its fight against the particularist front. Members of the lower clergy who were particularly committed to the particularist cause were sent to other communities or prohibited from engaging in any political or journalistic activity. The inevitable consequence was that the UPR, fearing that it might be outlawed, distanced itself from the *Heimatbund*, thus withdrawing general Catholic support.

The *Heimatbund* ceased to exist when the remaining activists decided to form their own party with more solid organisational structures than the loose co-operational network of the *Heimatbund*. In September 1927 they founded the Autonomist Party of Alsace-Lorraine (PAAL). The PAAL demanded a federalised France and a federalised Europe with Alsace as a mediator between France and Germany.¹³⁷ Within France, the PAAL participated in the 'Central Committee of the National Minorities in France', through which Alsatian autonomist particularism could bear more heavily on the French state by co-ordinating its demands and activities with those of other minority movements in the country.¹³⁸ In the same year however, the PAAL aligned itself with the count Zorn of Bulach and his paper *Die Wahrheit* which led to the creation of a new party-political organisation, the Independent Regional Party (PRI), which surpassed the PAAL by building its party programme on demands for the granting of the right to self-determination for Alsace and Lorraine. This, however, did not imply separation from France, at least not in the short term.¹³⁹

Cross party co-operation within the structures of the *Heimatbund* had been a difficult issue for all parties involved because they were all internally split between pro-autonomist and pro-assimilationist wings. The first party to be affected seriously by these internal splits were the radical socialists, where tensions between the two factions rose in 1926 to the point where pro-particularist members left the PRS and founded the Progressive Party with a clear

¹³⁶ Cf. here in particular Kettenacker, *Nationalsozialistische Volkstumspolitik*, p. 17ff.

¹³⁷ Details of the party programme can be found *ibid.*, p. 18.

¹³⁸ Gras, *Regionalism*, p. 329.

¹³⁹ Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 130.

autonomist tendency aiming at a constitutional status of Alsace similar to that granted to the *Reichsland* in 1911 under German rule. The Progressive Party and the PRI established a joint working committee after 1928 and worked closely together in local and district elections.

The wave of arrests in 1927 and the subsequent French nationalist press campaign were not able to stop the increasing radicalisation of the particularist movement. Further steps of the central government revitalised the traditional Alsatian anti-government attitude in the face of a perceived threat to their identity and solidarity with the arrested leaders of the particularist movement.¹⁴⁰ The increasingly political dimension of the 'Alsatian problem' was even admitted by pro-assimilationist forces within the UPR who, despite committing themselves publicly to the fight against separatism, made it clear that a solution of the problem could only be achieved if Paris was willing to accept necessary changes to its policy of cultural assimilation, especially in education and language policies, but also in the administrative sector at large. However, no signs of compromise were visible on the part of the French government. Further measures were taken, such as the dissolving of the Hagenau town council in January 1928.

The hardening of positions between nationalists and particularists reached wide into the Alsatian party-political system as well, and occasionally it took very bizarre forms. For example, during the re-election of the Hagenau town council in February 1928, the nationalist wing of the UPR formed the so-called *liste de concorde nationale* with the SFIO, royalists, and radical socialists against particularist candidates from within its own ranks. Not surprisingly, this strategy was ill received by the citizens of Hagenau, and the pro-assimilationist candidates lost their eleven seats, while particularists won all 23 seats in the council.¹⁴¹

The UPR recognised the 'electoral' threat arising from its vague commitment to particularism and responded quickly. In the run-up to the April 1928 parliamentary elections, the Upper Alsatian section of the party ended its coalition with the pro-assimilationist PRD, and particularists were allowed to stand as candidates on the UPR lists both in Lower and Upper

¹⁴⁰ Ibid., p. 154.

Alsace, resulting in an overwhelming victory.¹⁴² Within four years and as a result of the increased assimilation pressure exercised by the central government, the political situation in Alsace had changed fundamentally with particularism becoming the dominating issue on the political agenda.¹⁴³

In this situation of growing resentment, the trial of the twenty-two arrested leaders of the particularist movement could do nothing but increase alienation between the majority of Alsatians and the central government. Even though the trial ended with eleven of the fifteen present defendants being acquitted and the remaining four sentenced to only one year imprisonment (and released from prison within months after the trial), it demonstrated the gap between the Alsatian and the French interpretation of the situation in general.¹⁴⁴ The farce of the trial shed a bad light on the French judicial system, but what was much more important was the fact that it proved to be politically counter-productive, comparable only to the 1924 attempt to secularise Alsatian society. The creation of martyrs and the strengthening of a particularist identity in Alsace as a whole were two results of the trial. More importantly, a new basis began to emerge on which co-operation between Catholic, liberal, and communist particularists seemed to be possible.¹⁴⁵

To ease the situation and improve its own position vis-à-vis the closed ranks of Alsatians, the French government made a number of concessions, for example in the education

¹⁴¹ Figures from Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 155.

¹⁴² Cf. Table 4/1 above.

¹⁴³ Eleven of the fifteen seats were occupied by particularist candidates (five of them moderate, six radical), three seats had been won by unconditional assimilationists, and two by politicians who were in favour of assimilation, but requested a special status for Alsace in terms of concordat and confessional school system. Figures from Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 155.

¹⁴⁴ The charge against the particularist activists of conspiracy to break up the French nation-state as such was extremely dubious. Not only had the defendants not tried to hide their aspirations, they had also made it clear that it was possible for their demands to be accommodated within the French polity. One other major point of the accusations was the formation of the so-called *Schutztruppe*, a paramilitary force of the *Heimabund* formed after the Bloody Sunday of Colmar in 1926, which, however, never really took off because of a lack of commitment on the part of the Alsatians. With only 40 members, it was anyway no match for similar organisations of the royalists or communists.

¹⁴⁵ As a first sign of these, Rothenberger mentions two mass demonstrations in Strasbourg on 24 May and 25 July 1928, at which speakers from all three camps appear together. Cf. Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 165.

sector.¹⁴⁶ It acknowledged the preservation of the concordat in June 1928 – a move that the high clergy welcomed almost enthusiastically.¹⁴⁷ The lower clergy as well as the particularist parties and party wings did not consider the concessions as sufficient, and the subsequent elections to the *Conseil Général* in Alsace, in which half of all the mandates were renewed, demonstrated that the Alsatian population was not yet satisfied with French policies either.¹⁴⁸

The Realignment of the Party System

By the end of the 1920s, an inner-Alsatian process, which had begun in 1926, came to a conclusion – the realignment of the party system. After the split of the radical socialists in 1926, it was now the UPR, which could not maintain the organisational unity of its particularist and assimilationist wings. Although the party's emphasis in general was on religious defence, the ways and means of this defence were a matter of party-internal debate. One wing in the party sought to defend the concordat and the confessional status by securing a regional autonomy for Alsace, another wing aimed at the complete political and economic integration and cultural assimilation into France, simply retaining the concordat and the confessional school system. Not surprisingly, after the 1928 elections the three pro-assimilationist deputies of the UPR¹⁴⁹ decided to leave the party and form a new one, because they did not agree with the general UPR policy to place regional Alsatian interests higher than the interests of the republic as a whole.¹⁵⁰ Thus, the APNA (*Action Nationale Populaire d'Alsace*) was formed, which was joined by four of the six UPR senators and eighteen of the thirty-four district councillors.¹⁵¹ The APNA was particularly successful in the 1929 Senate elections, when the UPR had become discredited

¹⁴⁶ A government memorandum allowed for three hours of German per week in all primary schools. From 24 January to 9 February 1929, eleven consecutive parliamentary sessions debated the issue, without achieving more than a very general and vaguely worded resolution in which trust in Alsace was expressed. In addition, the four convicts of the trial against autonomists were released on 17 and 23 July 1928 and, by a general pardon in 1931, reinstated in their civil rights.

¹⁴⁷ Cf. Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 167.

¹⁴⁸ The political balance in the *Conseil Général*, however, was only partially affected as the previous elections in 1923 had resulted in a majority of pro-assimilationists. Cf. Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, p. 170.

¹⁴⁹ Of the other seven members of parliament, one was moderately particularist, the other six were strongly autonomist.

¹⁵⁰ Hochstuhl, *Zwischen Frieden und Krieg*, p. 21.

¹⁵¹ Gras, *Regionalism*, p. 326.

because of its co-operation with the communists,¹⁵² and in the 1931 Conseil Général elections in Alsace. After the split, the UPR revised its programme in accordance with that of other French regionalist parties, its core demands being the preservation of Alsatian distinctiveness, self-administration, the maintaining of the religious status of Alsace, and the equality of German as a language at school, in the administration, and in courts.

The third of the parties supporting the particularist movement that split was the Alsatian section of the Communist Party of France. The mayor of Strasbourg, Charles Hueber, and his autonomist supporters were forced out of the party in 1929 and formed the *Kommunistische Partei-Opposition* (KP-O).¹⁵³ After being excluded from the International Union of Communist Opposition in 1934, they formed the Alsatian Workers' and Peasants' Party, which adhered to the Popular Front in 1936 and won two seats.¹⁵⁴ Just as for the other parties, it paid off for the former communists to commit themselves to a clear stance in favour of an autonomous status of Alsace. As a consequence, the party adopted a more flexible position towards the concordat and the confessional school system to make co-operation with other particularist parties easier.

Thus, over the issue of how and how much of its cultural distinctiveness Alsace would preserve, a transformation of Alsatian political life occurred, and it took the form of a left-right convergence providing the basis for a new attempt of cross-party co-operation over the issue of particularism and encompassing parties ideologically as opposed as the UPR and the Alsatian KP-O. Yet this co-operation attempt was similarly short-lived and did not achieve much beyond some electoral success and a strengthening of Alsatian identity. With the exception of preserving Alsace's religious status, further cultural assimilation could not be stopped, let alone be reversed. By 1929 the Alsatian party system thus encompassed three groups – the PDR, the SFIO, and the PRS as representatives of the assimilationist forces; the moderately particularist UPR; and the radically particularist stream which included the PAAL and the KP-O.

¹⁵² Hochstuhl, *Zwischen Frieden und Krieg*, p. 21.

¹⁵³ The party was modelled after, and inspired by, the ideas of Brandler and Thalheim in Germany.

¹⁵⁴ Gras, *Regionalism*, p. 328.

The Decline of the Particularist Movement, 1930-1940

In 1929, a major shift in French policies vis-à-vis Alsace took place after the resignation of the government of Poincaré and the subsequent election of a more moderate government under Briand. Among the first steps taken were a general amnesty for all particularists involved in the Colmar trial, the replacement of the two prefects of both Alsatian departments, and improved funding for the Strasbourg radio station, allowing it to include programmes in Alsatian dialect and standard German. However, no substantive concessions were made in terms of self-administration and the status of the German language.

By the early 1930s, a new generation of Alsations had become active in politics, advocating an opening of Alsace to French culture.¹⁵⁵ However, this did not mean that demands for the recognition of Alsatian distinctiveness were dropped. Rather, it must be seen in the context of a revival of the concept of Alsace being a mediator between France and Germany, especially in the wake of Hitler's rise to power in Germany. This led to a temporary rise of moderate integrationism, as it became apparent in the 1931 elections to the *Conseil Général* which saw the APNA becoming the strongest party and eighteen of the thirty mandates up for renewal going to the assimilationists, and only twelve seats being won by particularists. The opening to French culture, however, was countered by a simultaneous radicalisation in other parts of the particularist movement, which argued for a narrowing of the concept of Alsatian culture to emphasise its German aspects.¹⁵⁶ And it was this issue which dominated the 1932 parliamentary elections in which more particularist candidates won seats than in the protest elections of 1928.¹⁵⁷ This continuously low level of political integration of Alsace into France became also manifest in the fact that a significant drive to the left in *France intérieure* occurred in these 1932 elections, while more than seventy per cent of all votes in Alsace went to right-of-centre parties.

¹⁵⁵ Cf. Rothenberger, *Die elsass-lothringische Heimat- und Autonomiebewegung*, p. 188.

¹⁵⁶ *Ibid.*, p. 189.

¹⁵⁷ Nine of the sixteen seats were won by the UPR, two by the PRD, and one respectively by the KP-O, the Progressive Party, the SFIO, the APNA, and by an independent candidate. Not only the UPR had defended and

Although the new national left-wing government had initially agreed to respect Alsatian requests for special treatment, one of the core demands not only of the particularist movement, namely the issue of linguistic equality for standard German and the Alsatian dialect, remained unsatisfied.¹⁵⁸ The resulting anti-parliamentary and anti-democratic feelings in Alsace were encouraged by a general political and economic crisis of the French Republic: between July 1929 and January 1934, there were thirteen changes of government. The effects of the world economic crisis reached France in the early thirties and became manifest in a rapid decline of the economy. On this basis, some Alsatian groups adopted a style and ideology close to the Nazis, especially the *Jungmannschaft* (Youth League), which was modelled after the NSDAP and tried to attract especially young Alsatians. Demands were made concerning ethnic security and the exclusion of all foreigners from Alsace. This combined with a strong anti-Marxism, anti-capitalism, and anti-pluralist ideology. Apart from the *Jungmannschaft*, two other organisations had close ideological links with Nazism – the National Labour Front (FNT) and the Alsatian Peasant Union (UPA), but none of them had much popular support. Their autonomist propaganda in combination with their openly pro-Nazi positions, however, had a significant impact on other, non-Nazi autonomist organisations. With the autonomist wing in the particularist movement becoming increasingly equated with Nazism, the 1934 elections to the *Conseil Général* as well as the 1935 parliamentary elections saw particularist candidates generally defeated because of their alleged identification with Hitler's Germany.¹⁵⁹

One of the main reasons, apart from the Nazism issue, for this defeat was the shift in UPR policy. The election strategy of the UPR until 1932 had been to back simultaneously particularist and nationalist candidates which allowed the party to preserve its dominant role in

extended its leading position in Alsatian politics, but so had the particularist movement in general – eleven of the Alsatian members of parliament were particularist, only five of them assimilationist. Cf. table above.

¹⁵⁸ When the so-called *Sprachenzählung*, a census establishing the size of linguistic communities, found in 1931 that more than ninety per cent of the Alsatian population spoke German, the unsatisfactory linguistic situation in Alsace gave rise to a new wave of particularism encompassing once again demands for autonomy. A side effect of this development was that a number of groups within the particularist movement felt a certain attraction towards the ideas of national socialism, and consequently tensions among the particularists began to grow, especially from 1933 onwards, when the dominating issue for all parties in Alsace became their position vis-à-vis the development in Germany after the rise to power of the Nazi movement. Cf. Kettenacker, *Nationalsozialistische Volkstumspolitik*, 21-29.

Alsatian politics and, representing the core of Alsatian interests, to maintain an almost constant electoral basis.¹⁶⁰ With the declining electoral appeal of particularism because of its alleged ties with Nazism, the party orientated itself more clearly towards nationalism and the PRD, its former partner in the *Bloc national*, and left all particularist election coalitions. With the declining influence of particularism as a unifying concept, old ideological divisions came to the fore again. While particularism was perceived by the clergy to be a threat to French Catholicism, Radicals and Socialists believed demands for autonomy to be a play of the clerical right, and the coalition of the particularist movement with communism was taken as an offence by the Alsatian clergy.

After 1935, Alsatian political life was dominated by two issues – the continuing economic crisis and the growing fear of a new war. It was in particular the latter issue which led to a rediscovery of Alsatian particularism and its close connections with a number of wider political issues, such as peace, disarmament, and Franco-German reconciliation, not least because Alsace had experienced the costs of military conflict in Europe at first hand in a number of wars from the Thirty Years War in the seventeenth, to the Napoleonic wars and the Franco-German wars in the nineteenth, and to the First World War in the twentieth century. While simultaneously affirming its commitment to remaining a part of the French polity, it was essential for the particularist movement to accomplish its aims of fostering reconciliation between France and Germany that its distinct cultural features be respected and preserved. Only with this conception in mind is it possible to understand why at a time when Alsations voiced their political loyalty to France stronger than ever after 1919, the parliamentary elections in 1936 saw twelve particularists and only four assimilationists winning seats.¹⁶¹

The rejection of Nazi ideology by Alsations was equally strong as the emphasis on their cultural distinctiveness. Although this did not imply a lack of loyalty to France, the new left-

¹⁵⁹ Gras, *Regionalism*, p. 331.

¹⁶⁰ Hochstuhl, *Zwischen Frieden und Krieg*, p. 22.

¹⁶¹ Figures from Rothenberger, *Die elsass-lothringische Heimat- und Autonomiebewegung*, p. 224. These elections also saw a continuation of the left-right divide between Alsace and *France intérieure*. Cf. *ibid.*, p. 225.

wing French government interpreted it, wrongly, exactly as such. A new attack on the confessional education system was made putting Alsatians in a situation where they had to choose between abandoning their traditional school system or extending the obligatory period of schooling by one year. Alsatian solidarity across confessional and ideological boundaries occurred in defence of ancient rights, similar to 1925 and 1928, and once again, French policy was partly defeated. Thereafter, particularism as a social movement declined,¹⁶² as the majority of the particularists hesitated to demonstrate against French policy in the increasingly tense international situation.¹⁶³

Although the Alsatians had secured a number of concessions in religious and linguistic education, the French government had not met another of the core demands of the particularist movement in the inter-war period, namely administrative or political autonomy. Judging from its achievements, Alsatian particularism was primarily a cultural and linguistic movement. Popular support for particularism was strongest whenever French assimilationism aimed at the confessional school system and the concordat. From this perspective, and very significant for Alsatian post war-developments, the popular particularist movement was indeed one which was politically rather unambitious and more concerned with cultural, religious, and linguistic matters of Alsatianism, or in other words, with an apolitical concept of *Heimat* as the basis of its identity. This, however, did make the situation for the French government rather difficult, as the rise of Nazism in Germany and the aggressive foreign policy of Hitler in the east, put it under increasing pressure as regarded its policy towards Alsace. The dilemma it faced was that concessions to Alsatian demands could have been interpreted by Germany as a recognition of the minority status of Alsatians and could then have been exploited similar to the Sudeten problem, while continued attempts at forced assimilation might have increased Alsatian separatism, which eventually would have worked in favour of Hitler as well. That this was very

¹⁶² This decline, however, did not prevent its former leaders from being arrested after the outbreak of the war in 1939 and one of them being tried for espionage and executed in 1940. Rothenberger, *Die elsass-lothringische Heimat- und Autonomiebewegung*, p. 239ff.

¹⁶³ Gras, *Regionalism*, p. 333f.

much a home-made dilemma, resulting from the wrong analysis of the situation in Alsace after 1919, was not recognised at the time. Only Alsatian political loyalty and the fact that strongly pro-Nazi organisations were banned prevented an escalation of the problem before the war.

Alsace and Germany, 1919-1939

The relationship between Alsace and Germany in the inter-war period was complex and has to be analysed from two different angles – Alsace as an object in German foreign policy considerations¹⁶⁴ and the commitment of the two Alsatian émigré organisations in Germany – the *Hilfsbund der Elsaß-Lothinger* (aid organisation of refugees from Alsace and Lorraine) and the *Alt-Elsaß-Lothringische Vereinigung* (association of former residents of Alsace and Lorraine) – to the preservation of German culture in Alsace.¹⁶⁵

Between 1919 and 1922, Germany had tried to turn the question of Alsace and Lorraine into a precedent for the right to self-determination to which not only defeated states, but also the victorious powers had to bow. This was seen in terms of wider considerations of the situation of German minorities living in particular in states in Eastern Europe, parts of which had previously belonged to the German empire. This was not a very successful policy; however, it did not change a German determination to utilise Alsace and Lorraine for its revisionist policy in the east later on.

After this rather firm pro-self-determination stance of 1919, the German foreign office came soon to realise that the difficulties which existed in Alsace and Lorraine were an internal affair of the French Republic. Consequently, a 1922 analysis of the situation acknowledged that Alsace and Lorraine did not qualify as a minority problem in the strict sense of the concept since the population did not insist on its different ethnicity (*Fremdständigkeit*), let alone on their

¹⁶⁴ A useful analysis of this aspect of the Alsatian problem can be found in H. Rößler, *Locarno und die Weltpolitik* (Göttingen: Musterschmidt, 1969).

¹⁶⁵ The most comprehensive study to date is Irmgard Grünewald, *Die Elsaß-Lothringer im Reich 1918-1933* (Frankfurt am Main: Lang, 1984).

German origin.¹⁶⁶ Although this assessment was accurate for the early 1920s, it had to be changed later, when Alsatians began to see themselves as a minority, in the way the League of Nations¹⁶⁷ defined the term, and increasingly insisted on their distinctiveness, if not in terms of ethnicity, then certainly in terms of culture, language, and tradition. The rediscovery of their German roots and the recognition of the German element in Alsatian culture, in turn, led the Foreign Office to support cultural efforts in Alsace in addition to more serious political considerations and a policy of funding political parties there.

These more serious political calculations began with the assessment that border revisions were only possible in the east and that they were only possible there with the consent of the western powers. The role which Alsace and Lorraine came to play in this respect was twofold. While realising that regaining the former *Reichsland* was impossible, a formal abandoning of all territorial claims could assure the French government of the security of its eastern borders with Germany. At the same time, continuing problems in Alsace and Lorraine would weaken French resistance against desired border changes in the 'German East'. While the former was achieved with the Locarno treaty in 1925, the latter policy was pursued from the second half of the 1920s onwards, mostly through funding of cultural activities, but also supporting, especially between 1927 and 1929, particularist political propaganda.¹⁶⁸ Because of necessary secrecy, funds were channelled through the private organisations of the Alsatian émigrés. As this connection began to emerge during the Colmar trial in 1928, and the uncovering of the true source became increasingly likely, the sponsoring of political propaganda was abandoned. In 1930/31 cultural funding continued at a reduced level, and even after Hitler's take-over in 1933 it was not abandoned. Similar to Austria's South Tyrol policy after 1945, but with very different long-term intentions, the objective of German support was not to encourage

¹⁶⁶ Internal policy document of the German Foreign Office, 1922. Cited in Rothenberger, *Die elsass-lothringische Heimat- und Autonomiebewegung*, p. 74.

¹⁶⁷ A resolution adopted by the League of Nations in September 1922 obliged all states to protect minorities under their jurisdiction regardless of whether the post-1919 peace treaties had made specific demands vis-à-vis these states. Thus, the victorious states were as obliged to protect minorities in their boundaries as were defeated ones.

Alsatian secessionism, but rather to make France more willing to concede border revisions in the east.¹⁶⁹

Among all these foreign political considerations, the organisations of the *Reichsland* émigrés played a central part, as it was they who were to channel financial support to Alsace and were responsible for its uses. While they were generally less willing to accept that there would be no border revision, the two émigré organisations' and the foreign office's aims met in one crucial point – the attempt to minimise the impact of French assimilation policies in Alsace.¹⁷⁰ With financial support from the foreign office decreasing after 1930, the collapse of the *Alt-Elsaß-Lothringische Vereinigung* was prevented by a fusion with the *Hilfsbund* in 1933. Leading members of the organisation increasingly identified with Nazism which alienated them from significant parts of the particularist movement in Alsace. After 1940, some of them held important functions within the German administration in Alsace and Lorraine.

Summary: Mixed Results – French Integration Policy in the Inter-War Period

The period between 1919 and 1940 saw the fiercest confrontation between the French state and the particularist movement in Alsace. However, with the exception of occasional rioting and clashes between French nationalists and Alsatian particularists in the mid and late 1920s, there was no violent escalation of this conflict, a factor which can mainly be attributed to the influence of the churches.

¹⁶⁸ Rothenberger gives the following figures of financial support: 141,247 *Reichsmark* in 1925/26; 548,331 *Reichsmark* in 1926/27; and 840,000 *Reichsmark* between 1927 and 1929. Cf. Rothenberger, *Die elsäß-lothringische Heimat- und Autonomiebewegung*, pp. 138-151.

¹⁶⁹ In the case of Hitler, however, two differences need to be mentioned. While he, too, saw the abandoning of territorial claims primarily from a tactical point of view, he considered the status of Alsations as 'racially questionable'. On the other hand, this did not make him lose sight of the strategic value of the territory of the former *Reichsland* in terms of the cohesion of the 'German heartland'. Cf. Kettenacker, *Nationalsozialistische Volkstumspolitik*, p. 101ff.

¹⁷⁰ However, the aims of the two émigré organisations were not identical. The *Hilfsbund* was primarily concerned with the integration of émigrés in German society and their compensation for the losses they had suffered. In the course of time, its importance diminished simply because of its success in facilitating the integration process. This is obvious in terms of the membership figures: in 1920, there were 33,000 members, in 1925 20,000, and in 1933 only 7,000. The *Alt-Elsaß-Lothringische Vereinigung*, in contrast was foremost a cultural and scholarly organisation with its own institute at the University of Frankfurt/Main. By supporting the particularist movement in Alsace with the help of the foreign office, the *Alt-Elsaß-Lothringische Vereinigung* contributed significantly to the rise of Alsatian particularism despite the fact that its aim (self-determination) was not identical with that of most particularists (some degree of autonomy within the French polity). Cf. Irmgard Grünewald, *Die Das Elsaß-Lothringer im Reich*, pp. 185-190.

After the initial euphoria about the reunion with France, problems soon arose. There were mainly three sources – the underestimated differences that had developed between Alsace and *France intérieure* during the separation between 1871 and 1919; the positive experience Alsations had had with the autonomy granted to them in the 1911 constitution in Germany; and the aggressive assimilation policies pursued by French governments.

Major issues over which the conflict developed were closely related to essential aspects of Alsatian identity, thus generating a significant depth of feeling and intensity of the conflict – the concordat, the confessional school system in Alsace, linguistic rights, and the persistent demands Alsatian activists made for some measure of autonomy for their area that would enable them to establish conditions conducive to the preservation, expression, and development of these and other aspects of their distinct identity.

While Alsations managed to defend their religious status, they failed to obtain any concessions in terms of autonomy. The reasons for this are manifold. The defence of the religious status was possible primarily because it was an issue that mobilised almost the entire population independent of their ideological orientation and party-political affiliation. Under the leadership of the churches, which had grown to become, over the centuries, the only stable institution in the course of the frequent changes of sovereignty and exercised a tremendous social and political influence, the alliance to defend Alsace's religious status also profited from the fact that the variety of parties which co-operated in the particularist movement included some which, although being anti-clerical in their orientation, made concessions on the confessional issue not to endanger the particularist front. Eventually, it also has to be considered that, from the point of view of the French government, the confessional issue was not as vital as the question of autonomy.

The failure of the particularist movement to obtain autonomy can be attributed to mainly three reasons. On the one hand, there was a divide within Alsace over the issue – particularists were opposed by French nationalists who favoured rapid political integration and

cultural assimilation. On the other hand, the particularist movement was split. Pro-German forces, which rejected any form of integration into the French polity, were only a small minority compared to those that were politically loyal to France, but they discredited the particularist movement increasingly after 1930, especially after Hitler had risen to power. The heterogeneous composition of the particularist movement, including among others communists, liberals, and clergymen, did not always allow for concerted action. A major realignment of the party-political system in Alsace over the issue of particularism after the late 1920s eased inner-movement tensions for some time, but with the rise of Hitler in Germany the political divide in Alsace shifted to one between pro-German and pro-French forces, which ended the particularist alliance.

The split within the Alsatian population over the issue of particularism certainly made the firm anti-autonomist stand of French governments easier. However, it was primarily caused by the nature of Franco-German relations, which had never been at ease after 1919. Not only did the official German foreign policy use the issue of Alsace as a bargaining chip in its struggle for a revision of its eastern borders, and was therefore interested in a certain degree of instability in Alsace and pursued policies to this effect, especially in the mid till late 1920s. In addition, private organisations of German expellees from Alsace after 1919 engaged in various forms of support for the particularist movement. Both aspects were perceived by respective French governments as implicit revisionist territorial claims of Germany vis-à-vis the sovereign French state. In the context of increasing tensions in Europe and the German policies of territorial revisionism, any concession to Alsatian demands for autonomy were interpreted as facilitating separatism and endangering French military security.

While, from a French perspective, political and economic integration combined with cultural assimilation seemed a natural course of action, it did not have much realistic hope for complete success. More than forty years of separation of Alsace from France had left their mark. Overall, Alsatian identity as distinct from both Germany and France had been strengthened and the Alsatian sense of community across class and ideological boundaries had

been reinforced. The achievements of the particularist movement of the *Reichslandzeit* in terms of the degree of autonomy secured were increasingly remembered positively. Under these conditions, the aggressive cultural assimilation policies of successive French government were perceived as a direct challenge and threat to Alsatian identity, and as such bore significant mobilisation and conflict potential in them. On several occasions, French attempts to abandon the concordat or to alter the confessional school system met with fierce resistance on part of the Alsatian population, reinforcing, rather than weakening their sense of community and solidarity. Despite the organisational weaknesses of the particularist movement, French assimilationism could not succeed as it did clearly not coincide with a desire of the Alsatians to be completely assimilated. On the other hand, even among the overwhelming majority of particularists, there has never been a question as to where Alsace belonged nationally and where the political loyalties of Alsatians lay. As Max Weber observed, 'the German-speaking Alsatians feel themselves ... to be part of the French nation, but not to the same extent as the French-speaking Frenchman.' To him the specificity of Alsatian identity was one characterised by 'partial cultural community and shared political memory.'¹⁷¹ Thus, what seemed like a contradiction to the French ideology of the one and indivisible nation was only natural to Alsatians – to retain the few aspects of their culture that were particular to their identity and distinguished them from France, while at the same time being unquestionably loyal to the French state.

¹⁷¹ Max Weber, *Wirtschaft und Gesellschaft*, p. 243.

Table 8: Conditions Accounting for the Mixed Results of Alsatian Particularism and French Integration Policy between 1871 and 1912 in the Inter-War Period

- In France:
 - French policy approach underestimating the differences that had developed between 1871 and 1919
 - Aggressive assimilation policies of successive French governments not considering the positive Alsatian experience with their improving autonomy status in Germany
 - Frequent inter-ethnic tensions between Alsatians and French, especially in the mid to late 1920s
 - 'Carrot-and-stick' policy enabling French governments to break up the front of particularism
 - Importance of the territory and native population of Alsace as a security issue for France
 - Political instability in France and growing preoccupation with the possibility of another war
- In Germany:
 - Influential lobby of emigrants from the former *Reichsland* rendering covert support to various sections of the particularist movement and being funded and otherwise supported by the German foreign office
 - Instrumentalisation of the Alsatian issue in Germany's policy of territorial revisions of the post-war peace settlements
 - Rise of Nazism and its attraction of a small section of Alsatian activists
 - Secularisation and racist policies after 1933 rejected by the majority of Alsatians across the political spectrum
- In Alsace and Lorraine:
 - Largely non-violent protests against assimilation
 - Underestimation of the differences that had developed during the *Reichsland* period
 - Positive memories of the degree of autonomy eventually achieved in the German *Reich*
 - Ability to mobilise large sections of the population to stand up for what they perceived as non-negotiable aspects of ancient Alsatian rights and traditions under the committed leadership of the churches
 - Insistence on loyalty to the French state and simultaneously on the Alsatian right to be different
 - Fractured party system
 - Heterogeneity of the particularist movement, only punctual ability of political parties to co-operate in pursuit of particularist aims
 - Rejection of German claims to Alsace
 - Rejection of political and social developments in Germany after 1933
 - Pro-German links of a small section of Alsatian activists even after 1933 who increasingly discredited the particularist cause
 - Difficulties in the economic integration of Alsace into the French market
- International Context
 - State of Franco-German relations making compromises for the French government difficult as they are perceived as threatening the country's security
 - Unresolved minority and border issues across Central and Eastern Europe
 - Aggressive German irredentism and lack of resolve among Western powers to stop it
 - Growing danger of renewed war

Alsae after 1945

The Impact of German Occupation, 1940-1945

Had the population already not been very enthusiastic in 1870/71, its desire to be integrated in the German *Reich* was even lower in 1940, not least because Alsatians had watched the developments in the Third *Reich* carefully before the outbreak of the war. Despite the attraction national socialism had exercised on a small proportion of the population, the political loyalty of the overwhelming majority of Alsatians lay with France.

After the German victory over France in 1940, the third *Reich* had initially promised to respect French territory. However, Hitler annexed Alsace and Lorraine and began an immediate integration and assimilation process: French civilians and especially civil servants were expropriated and expatriated.¹⁷² The latter were replaced with Nazi officials from the neighbouring *Gau* Baden, into which Alsace and Lorraine were integrated. German laws were introduced progressively, and many Alsatians received German citizenship¹⁷³ and initially benefited from preferential treatment.¹⁷⁴ Although prominent autonomists were given important posts in the administration, hopes for autonomy disappeared quickly, and brutal Germanisation and repression of particularism were the two major Nazi policies to be carried out during the occupation. The introduction of an obligatory six-month labour service in May 1941 and of conscription in August 1942, the separation of church and state, the banning of religious education in school, and plans for the dissolution of abbeys were just some obvious examples. Integration policy was multifaceted, and occasionally bizarre. Not only did German become the only permitted language and were street, place, and family names Germanised, the occupation

¹⁷² Cf. Essig, *Das Elsaß*, p. 143.

¹⁷³ This was not a generous gesture on the part of the NS state showing its appreciation of the fact that the lost territories were reunited with the *Reich*, but it meant that Alsatians would be subject to German laws, including conscription.

¹⁷⁴ POWs were released quickly and enabled to return to their families, Alsatians who had been evacuated to the South of France could return, and many Alsatians accepted posts in the German administration of the territory which had become vacant due to the departure of French civil servants. According to official German statistics, sixty-three per cent of the population joined Nazi organisations within months after the annexation. Cf. Gras, *Regionalism*, p. 335.

authorities also prohibited the wearing of 'French' berets.¹⁷⁵ Consequently, relationships with the Nazis began to deteriorate and Alsatian resistance against Germanisation was not broken but rather reinforced. Although this rather passive cultural resistance did not, and could not, take the forms it had taken in 1925/26 and 1934, it became more and more obvious that cultural assimilation through 'education', and especially the attempt to exterminate the Alsatian dialect,¹⁷⁶ did not bear the expected fruit. The NS-administration then turned to increasingly violent means to enforce Germanisation in Alsace, including deportations, concentration camps, and death sentences,¹⁷⁷ but only reinforced the Alsatian consciousness about their cultural distinctiveness from Germany.

Active Alsatian resistance to Nazi occupation was restricted to facilitating escapes and gathering intelligence, while actual sabotage of the German war effort was rare. While most resisters came from traditionally nationalist, i.e. pro-French and pro-assimilation circles, there were also a number of collaborators, not exclusively, but predominantly from within the ranks of the former separatist wing of the particularist movement.

The Situation after the War

While the experience of Nazi occupation shaped the Alsatian perception of Germany and the Germans, the French perception of the situation in Alsace during the occupation was similarly important for the future. The French view of Alsace under Nazi rule and the actual experience Alsations had were two very distinct matters, yet combined they shaped the post-war developments in the region.

With the liberation in 1945 came the reprisals – about 40,000 people were interned, 8,000 sentences were pronounced after trials, but the majority of the convicted were pardoned later on. The leading particularists who had collaborated with the Nazi occupation force were

¹⁷⁵ Cf. Lothar Kettenacker, *Nationalsozialistische Volkstumspolitik in Elsaß-Lothringen* (Stuttgart: DVA, 1973), pp. 163-174.

¹⁷⁶ Cf. Essig, *Das Elsaß*, p. 145.

¹⁷⁷ Cf. Lothar Kettenacker, *Nationalsozialistische Volkstumspolitik in Elsaß-Lothringen* (Stuttgart: DVA, 1973), pp. 240-269.

sentenced to death. Although there was no popular revenge against collaborators, the particularist cause was discredited for a long time. This manifested itself in three developments. After the 1953 Bordeaux trial of the twelve Alsatians involved in the Oradour massacre, a public silence about the period of German occupation between 1940 and 1945 became the rule. Despite the internments, trials, and a renewed French assimilation policy in Alsace, the reunion with France after the war did not generate any resistance, so heavily weighed the traumatic experiences of the Nazi years on the Alsatians that assimilation was welcomed, and exaggerated patriotism was thought to be the means to accomplish integration as soon and as smoothly as possible. Thus, Alsace abandoned, for the time being, its particularist perspective and the claim to be distinct from both its neighbours in east and west.

The fact that Alsace had been detached from France and had become an administrative and political part of the Third *Reich* after 1940 contributed to the impression of many French that Alsatians were generally pro-German and therefore collaborators and accomplices of the Nazi regime. Simultaneously, the only limited amount of sympathy for ethno-regionalist movements in general, which had existed among some French socialists in the inter-war period, declined sharply because of the involvement of some of the regionalist leaders in Alsace, Brittany and the Flemish region with Nazism, but also because of the more pressing concerns of reconstructing France politically and economically.¹⁷⁸ Being thus put in the unfortunate position of having to prove their loyalty to the French Republic harder than most other minorities, Alsatians did not revive their particularism, and did not insist on their status as an ethnic minority, unlike people in Brittany or Corsica.¹⁷⁹

Thus, two Alsatian desires, which had existed long before the war, merged into one and provided the basis upon which, under the specific circumstances of France after 1945, Alsatian regionalism would eventually occur as a distinctly modified version of the pre-war

¹⁷⁸ Cf. William Safran, "The French State and Ethnic Minority Cultures: Policy Dimensions and Problems", in Joseph R. Rudolf, Jr. and Robert J. Thompson, *Ethnoterritorial Politics, Policy, and the Western World* (London: Lynne Rienner, 1989), pp. 115-157, here p. 118.

¹⁷⁹ Essig, *Das Elsaß*, p. 164.

particularism. These two Alsatian desires were the clear separation from anything German, historically, politically and culturally, and the desire to continue the development of a specifically Alsatian concept of *Heimat* and patriotism which would prove the unquestionable loyalty to France and allow Alsace to be associated with an internationally recognised state capable of protecting Alsace from a renewed attempt of Germanisation.¹⁸⁰ That this would involve concessions on the part of the Alsatians with respect to the use of their language, the concordat, and the confessional school system was generally accepted and provided the ground for smooth political and economic integration and increasingly successful cultural assimilation.

Alsace Today: From Particularism to Regionalism?

In the light of the situation in Alsace in 1945 and because of the subsequently adopted policies of regionalisation by France, it is not surprising that Alsace has changed tremendously since the end of World War Two. The changes occurred gradually and must be seen in light of a complex network of factors of influence. The four most important factors in this context were French regionalisation, the development of the post-war party-political system in Alsace and the failure of political autonomism within it, the economic and political consequences of European integration and Franco-German reconciliation, and a cultural and ecological renaissance of Alsatianism.

With the introduction of regionalisation policies as early as 1951, the French central government put itself in a position, in which the pre-war mistakes of equating political integration and cultural assimilation were avoided. The most important steps towards regionalisation were the setting-up of a network of regions in 1955 and that of regional councils with limited powers in 1972. With the 1982 reforms, the importance of regions has increased further, which had favourable consequences for the integration of Alsace into the national political and economic life.¹⁸¹

¹⁸⁰ Trouillet, *Das Elsaß*, p. 34.

¹⁸¹ Regionalisation proper began in 1959/60 when a number of decrees were passed according to which the French Metropolitan territory was divided into 22 regional administrative areas. Gradually most state institutions were

At the same time, regionalisation offered the opportunity to the government to make concessions to the Alsatians in terms of the concordat and the religious statute, both of which have been retained. The importance of regionalisation in this respect is that without granting Alsace a special administrative or even constitutional status, certain allowances could and can be made within the clearly defined territory of one region which need not apply to other regions and vice versa and without affecting France's limited interpretation of minority rights.¹⁸²

The Alsatian party political system does not include any significant autonomist or particularist parties, and the election results in Alsace after 1945 confirm the relatively high degree of popular satisfaction with the situation in Alsace in general. As is shown in the table below, the French national parties clearly dominate.¹⁸³

reorganised to fit this new framework, especially those responsible for regional planning. The establishing of a committee for regional economic development in 1964 and the creation of regional councils in July 1972 were major steps on this way. The period between 1972 and 1982 saw the regions' powers and functions limited to those of other public authorities, i.e., they only played an advisory role and were not entrusted with any direct management responsibilities. The first Mitterrand presidency changed the pattern of power distribution within the French political system resulting in an improvement of the status of the regions. The Defferre law of 1981, although maintaining the authority of the central government over the education system at large, specifically delegated to regional assemblies the power to preserve the cultural identity of the region. A supplementary decentralisation law of July 1983 specified the Defferre law by transferring concrete cultural competences to regions, departments, and communes – libraries, museums, schools for the visual and performing arts, architectural preservation and departmental archives. The decision to allocate money and fund cultural initiatives has always been based on considerations of cultural worth as well as 'political correctness.' While avoiding to put a lot of stress on trivial folklorist elements of ethnic culture, projects had to be based on a broad consensus within the ethno-regional community and were not to facilitate the restoration of separatist sentiments among the population in question.

¹⁸² Rights of ethnic and/or linguistic minorities are a very sensitive area in French politics. The French constitution determines that France be an indivisible republic in which all citizens regardless of their religion, race, or origin enjoy the same rights and status. Since the French Revolution, this has served as an interpretative instrument to deny the existence of minorities in France. With respect to international treaties and conventions, as far as France has signed them, successive French governments have refused to implement any clauses that would contradict this interpretation of Article 2 of the constitution. This applies to the 1966 UN Declaration on Minority Rights, Article 27 (preservation of minority cultures and languages) of which was declared irrelevant for France. It also applies to documents of the CSCE/OSCE of 1975, 1990, 1993, all of which were signed by France, yet the regulations in them concerning minority languages were annulled by reservations to the effect that French by virtue of being the national language was at the same time the mother tongue of all French citizens. A similar policy has been adopted in relation to initiatives for the protection of minorities that originated in the European Parliament or the Council of Europe.

¹⁸³ MRP-UDF - Republican Democratic Front (1945-present, pro-assimilationist, moderately particularist), SFIO/PS - Socialist Party (pro-assimilationist, moderately particularist), CPF - Communist Party of France (pro-assimilationist, moderately particularist), FN - Front nationale (aggressively xenophobic).

Table 9: Party Support in Alsace, 1945-1997(per cent of vote in first ballot of parliamentary elections)

	MRP-UDF	Gaullists	SFIO/PS	PC	Ecologists [*]	FN
1945	47.5	16.8	21.1	10.8		
1946 June	51.2	10.0	17.7	12.4		
1946 Nov	45.3	26.6	14.7	13.3		
1951	37.2	33.9	10.2	10.9		
1956	41.9	10.0	12.0	11.7		
1958	42.9	31.0	10.9	7.0		
1962	28.7	53.4	6.8	6.8		
1967	32.1	49.5	8.7	9.1		
1968	17.1	65.0	9.0	7.2		
1973	29.4	46.2	12.3	7.9	0.2	
1978	27.5	33.6	19.2	6.6	6.0	
1981	60.6		30.8	3.2	4.0	
1986	25.5	21.2	23.1	1.7	3.6	13.6
1988	48.3		30.8	2.3	0.8	14.9
1993	23.4	22.8	11.4	2.2	12.7	14.6
1997*	38.4		25.5		14.0	21.0

* Ecologists refers to a variety of Green parties; including Génération Ecologie, les Verts, MEI, Nouveaux Ecologistes, and independent candidates.

* Categories for 1997 election results were only available as "Droite" (various centre and right-of-centre parties, including MRP-UDF and Gaullists) and "Gauche" (various left-of-centre parties, including PS and PC), Ecologists, and FN. (Source: <http://www.ifop.fr/ifop/election/index.htm>)

The major political parties in Alsace were aware of the powerful attraction of particularist demands and their connection to electoral success. Therefore all of them supported cultural, and particularly linguistic demands, while they strongly condemned all demands for political autonomy, and thus reflected and shaped simultaneously the political orientation in Alsace. This was particularly obvious during the presidential election campaign of 1981, in which both left- and right-wing political parties tried to out-perform one another in terms of concessions to regional languages and cultures. Although regionalisation was sped up during the first Mitterrand presidency, major changes in the French approach to the unitary nation did not occur in Alsace.¹⁸⁴

¹⁸⁴ Trouillet, *Das Elsaß*, p. 31. One significant concession was made to Corsica, which has had its own linguistic statute since 1991. Cf. Essig, *Das Elsaß*, p. 207.

The political spectrum until the late 1970s had been dominated by four political groupings: the Gaullists, the UDF,¹⁸⁵ the Socialist Party; and the French Communists. Although they all incorporated regionalist demands, they differed in the degree and level of commitment to particularism. While the Gaullists generally did and do not go beyond demands for decentralisation of the French polity as such, and thus add no particular Alsatian component to their regionalisation policy as a whole, the UDF, the heir of the pre-war UPR, was and is in favour of regional development and Alsatian distinctiveness. The Socialist Party, which emerged in the course of a major re-shuffle of the French party-political system after 1968 is very outspoken about its commitment to decentralisation and further extension of regional powers. Similar to the French Communist Party, the Socialist Party recognises that there is a distinct Alsatian identity and asserts the right for Alsatians to be different, especially with respect to bilingualism in primary schools, culture, the preservation of local laws and the modified secular system which has been adopted for the region. The communists, in addition to this, pay also particular attention to minority and socio-economic problems, but they are strongly against any form of autonomy.¹⁸⁶ Despite the similarity of regionalist demands, conservative parties have always been much stronger in Alsace than their left-wing opponents. With the single exception of the March 1989 local elections,¹⁸⁷ conservative candidates have consistently scored higher results in Alsace than in the rest of France in elections at all levels.

Since 1973, the Ecologists have competed in elections in Alsace as well, and they have done so with growing success at all levels. Their appeal was partly based on specific regional demands and concerns for environmental protection. With the environmental dimension dominating in the Greens' policies, they can not really be classed as a party with a strong regional dimension, and in contrast to the other national parties, they did not instrumentalise Alsatian particularism. Rather, Alsatian particularists supported the Greens and their demands

¹⁸⁵ The party came into being after the merger of the Republican Party, the Democratic Centre, and the Radical Party in 1978.

¹⁸⁶ Gras, *Regionalism*, p. 344ff.

for environmental protection because ecological issues were recognised as having a growing mobilisation effect since the 1970s.

Since 1986, the right-wing extremist National Front has taken part in elections in Alsace at all levels, polling from the outset more than thirteen per cent of the total vote in Alsace and becoming the fourth strongest party before the PCF. The reason for this is that ethnic distinctiveness is emphasised in Alsace by some segments of the population, as in other parts of France, not in the context of Alsace versus *France intérieure*, but in separating French citizens from immigrants and asylum seekers. This part of the Alsatian population sees its representative not in regionalist parties of whatever political orientation, but in the National Front.¹⁸⁸

The linguistic revival and literary renaissance, which began in 1968 with the founding of the René Schickele circle, could have triggered developments towards the establishing of successful autonomist political movements and parties, but it did not generate wide-spread popular interest or political support. Rather, it was confined to a small number of intellectuals, on the one side, and right-wing and left-wing political militants, on the other. Especially the connection with political extremism of whatever ideological orientation had made it difficult for linguistic particularism to establish some credibility until the mid to late eighties because the vast majority of Alsations traditionally leaned towards moderate, centre-right politics and did not recognise their identity represented in any form of political extremism. Greater success of the revival of a particularist movement focussed primarily on linguistic issues was, at the time, also prevented by a lack of press coverage and persistent allegations linking particularism to autonomism and to pro-Nazi and pro-German sentiments. The general failure of political autonomism must also be seen in the context of ideological differences between the different wings of political autonomism which prevented the establishment of a common political basis and strategy. Thus between 1968 and 1974 a number of organisations were founded in Alsace,

¹⁸⁷ In these elections, the Socialist Party won the majority in seven larger town councils, including Strasbourg and Mulhouse.

¹⁸⁸ 14.6% of the voters did so in the legislative elections in 1993. Bernard Vogler, *Histoire politique*, p. 371.

all of them professing some kind of particularism or autonomism, but all from different ideological backgrounds and with diverse objectives.¹⁸⁹

The politically organised activities of Alsatian particularism had already begun in 1953 in the context of the trial against those responsible for the massacre in Oradour, among them twelve Alsatians. A magazine, called *La Voix d'Alsace* was founded in 1953 uniting pro-Alsatian and pro-German activists, but a split occurred in 1958 resulting in the pro-Alsatian element in the movement publishing its own bimonthly, the *Voix d'Alsace-Lorraine – Die europäische Stimme Elsaß-Lothringens* which advocated, in the tradition of part of the inter-war particularist movement, linguistic equality and a federalised France and Europe.¹⁹⁰

The Regionalist Movement of Alsace-Lorraine was founded in 1970. Initially, the movement seemed to engage in traditional particularist agitation – demands for the federalisation of France and Europe were made together with those for a regional two-chamber parliament in Alsace and an elected executive. Cultural demands were widely mainstream. The organ of the movement, *Elsa*, founded by students in Strasbourg in 1969, had begun in 1972 to advocate a purification of Alsace and East Lorraine of elements of non-German origin. The movement itself adopted a similarly right-wing, pro-German nationalist course in its Manifesto of Strasbourg in 1972. After 1974 it must be considered openly right-wing extremist: a members' congress supported the demands of the Manifesto of Strasbourg and added racist, anti-Communist, and corporatist-fascist demands. In 1977, the movement dissolved itself, in 1978 it was founded again under a new name – *Rassemblement des Alsace-Lorrains* – and since 1980 it has existed under the name *Parti Alsacien*.

When these right-wing tendencies in the Regionalist Movement of Alsace-Lorraine became obvious in 1971, the movement split, and the European Federalist Party of Alsace-

¹⁸⁹ Beer lists for this period the foundation of three cultural, two extreme left, one far-left autonomist, two federalist, and one conservative regionalist organisation. Cf. Beer, *The Unexpected Rebellion*, pp. 117-119. A survey of more right-wing conservative groups can be found in Henning Eichberg and Heinz-Dieter Hansen, "Autonomiebestrebungen in Elsaß-Lothringen", *Junges Forum*, 1975, pp. 16-24.

¹⁹⁰ With only around 6,000 copies, the magazine was not extremely popular. Changing its political affiliation twice between 1970 and 1975, the publication ceased eventually in 1975.

Lorraine was founded, which made moderate demands for regionalisation and the preservation of Alsatian culture and traditions. Through its co-operation with the European Federalist Movement, the party was not exclusively concerned with Alsace alone but put its regionalism in a wider context. The 1974 members' congress of the Regionalist Movement of Alsace-Lorraine resulted in a further split, facilitating the founding of the Autonomist Front for the Liberation of Alsace-Lorraine. Demands for Alsatian autonomism were based on a simultaneous rejection of centralism and separatism; the ethnic arguments for Alsatian particularism were supported by an application of the theory of internal colonialism to Alsace. Its self-concept as a movement, rather than as a party, allowed the front to co-operate with a variety of other political forces, mostly ecologists and socialists. In 1978, the Autonomist Front for the Liberation of Alsace-Lorraine split and a group named The New Autonomists was founded, which based its particularism primarily on demands for regionalisation and protection of the environment.

The diversification of purely regionalist-autonomist-particularist movements and parties occurred along a traditional left-right divide. None of the parties or movements managed to achieve any significant electoral successes,¹⁹¹ not least because the established parties pursued regionalist policies and interests in a much more effective way by co-operating with the central government on issues essential for the development of the region. While the issues of industrialisation and improvement of the infrastructure dominated the agenda until the 1970s, ecological and cultural aspects of regional development have come to play a more important role in the 1980s and 1990s in the course of French regionalisation in general, and in Alsace in particular.¹⁹²

The churches, which had been the third major political player in Alsace alongside with political parties and cultural organisations both during the *Reichsland* and the inter-war period, have become more discrete, and their influence has decreased. Part of the reason for this was

¹⁹¹ Beer gives the average support figures for autonomist parties in the 1970s at between 3.5% and 4.5%. Cf. Beer, *The Unexpected Rebellion*, p. 25. This trend has continued throughout the 1980s and 1990s.

increasing urbanisation, but also the fact that neither concordat nor confessional status of schools have been seriously threatened after 1945. Although with effect from July 1946 religious instruction and church services in German were prohibited,¹⁹³ both churches assumed that a policy of co-operation with the central government was the safest insurance that the state did not interfere in religious affairs.¹⁹⁴

For both churches and parties alike, the affirmation of the commitment to Alsatian distinctiveness reflects their concern for maintaining a large community of faithful followers and voters, respectively.¹⁹⁵ With Paris remaining the political, economic, social, and cultural centre of France, regional elites, however, also tend to orientate themselves towards the French capital.¹⁹⁶ This tendency towards a partial neglect of regional interests, although to a certain extent working in favour of integration, is the flip-side of the lack of a successful regional party. A worsening of the situation in Alsace in general because of increased regional competition at the national level or the politicisation of, for example, cultural claims, could give rise to a more radical autonomism with consequences similar to the inter-war period, yet at the moment there is no evidence for this.

Parallel to the so far successful political integration,¹⁹⁷ incorporation into *France intérieure* has also worked out favourably for the state of the Alsatian economy. Living standards increased as a consequence of industrialisation and the successful attraction of foreign capital, especially from Switzerland and Germany, but also from the USA. With the increasing transfer of economic decision-making powers to the regions, allegations of French looting of Alsatian resources have no basis left. On the contrary, since the end of the 1950s the Alsatian

¹⁹² There have been a number of parties, especially in the 1980s, which tried to muster electoral support on the basis of 'Alsatianism' and/or included Alsace in their party's name, such as *Alsace d'abord* and *Femmes d'Alsace*, none of which was electorally very successful. Cf. Vogler, *Histoire politique*, p. 315f.

¹⁹³ Essig, *Das Elsaß*, p. 170.

¹⁹⁴ Trouillet, *Das Elsaß*, p. 129.

¹⁹⁵ Gras, *Regionalism*, p. 346f.

¹⁹⁶ Trouillet, *Das Elsaß*, p. 39.

¹⁹⁷ This is also obvious in the six presidential elections in France between 1965 and 1995. Turnout is almost identical with French average. Alsace has persistently favoured more right-wing candidates, which demonstrates a certain consistency in voting behaviour throughout Alsatian electoral history after 1871.

economy has profited from a variety of factors – its central position in Europe and relatively well-developed infrastructure; the easy and comparatively cheap access to energy; a framework of political conditions encouraging industrialisation until the mid-seventies; a mostly bilingual and highly qualified workforce; until the mid-seventies a low degree of trade union membership; wide-spread political conservatism among the workforce; and access to the French market. In addition, Alsace has also profited from the fact that Strasbourg hosts the European Parliament, as the French state has made considerable investments – both materially and politically – to drive home its message that Strasbourg is the European capital rather than Brussels. Although Alsace with only two departments, 1.6 million inhabitants, and 3.9% of all employees in the French industrial sector is a relatively small region, the development of the service sector helped Alsace to establish itself by the end of the 1980s as the region with the second largest GDP and the lowest unemployment rate.¹⁹⁸

While this internationalisation and industrialisation process contributed to the relative wealth of Alsace as a region in France, it also had a number of side effects. One of them is that agriculture plays a less dominant role. While in 1949 thirty-one per cent of the population were active in this sector, their number had decreased to a mere five per cent at the beginning of the 1980s. The figures for Alsace as such are not different from those of most other industrial societies, but their impact on social and political developments in the context of particularism has been very significant. Industrialisation, and in connection with it urbanisation, resulted in a decline of the Catholic rural population, formerly one of the strongholds of Alsatian particularism. Simultaneously, the fact that Alsace has also benefited economically from the 'Europeanisation' of Strasbourg, and has, thus, eventually come to play the role of mediator within the process of European integration, made political integration into the French polity

¹⁹⁸ The low Alsatian unemployment rate is partly due to the fact that there is a high number of cross-border commuters who work in either Germany or Switzerland but live in Alsace.

easier.¹⁹⁹ At the same time, European integration has made the question of national political integration less important.

In the long run, Alsatian culture has profited from it being grouped, together with the Catalan and Flemish cultures, into those of Christian rather than Muslim descent.²⁰⁰ The more relaxed approach taken by successive French governments towards Alsace has also had its reasons in the fact that political threats from Alsatian particularism do no longer pose a serious threat because of European integration, in German-French reconciliation, and in the actual political developments in Alsace after 1945. To some extent, Alsace also benefited from the signing of a cultural charter in 1981 by the region and the ministry of culture. Although touching upon issues like broadcasting and special educational programmes, it did not involve the relevant ministries, could only authorise programmes of a limited nature, and was not completely satisfactory from the viewpoint of some ethno-cultural activists in the region.²⁰¹ Cultural policy in France has always been linked to language policy, especially where ethno-regional cultures were and are concerned. Since its foundation in August 1985, the National Council for Regional Languages and Cultures has had Alsatian members. The role of the council, which has met only very few times since its creation, has not been a very significant one in the context of minority issues in France. In Alsace, language policy faced a political and linguistic problem at the same time – historically the links with Germany had caused much political unrest; linguistically a decision had to be made about whether to promote the use of standard German or Alsatian dialect. Despite reaffirmation of the dominant status of French²⁰² and the refusal of successive French governments to sign the European Charter for Regional Languages, policy towards regional languages in France has become generally more relaxed. German, however, is not considered to be a regional language, and therefore the language laws

¹⁹⁹ Gras, *Regionalism*, p. 345.

²⁰⁰ Safran, *The French State*, p. 144.

²⁰¹ Cf. Safran, *The French State*, p. 128.

²⁰² In 1992, in the course of constitutional changes and amendments necessary because of France's signing of the Maastricht Treaty on the European Union, the clause "The language of the Republic is French." was added to the constitution. In 1994, the so-called Toubon Law was passed, which determines that French be the exclusive language

of 1951 and 1975 did not apply to the Alsatian dialect. Yet because German was no longer perceived to be a threat, the central government made a number of concessions as early as 1952 and 1953, allowing for limited German language teaching in Alsatian schools. Pupils could elect German as a subject in the last two years of their elementary school. Despite this favourable legal situation and despite the fact that eighty-four per cent of parents supported German language teaching at school, the national elementary school teachers' union tried to obstruct the introduction of the new subject and did so successfully until the early 1970s.²⁰³ The struggle between, on the one side, cultural activists and regional politicians, who adopted the popular demands for German language teaching at schools because of the electoral gains they foresaw,²⁰⁴ and the central government, on the other, over the introduction of German as a compulsory subject in primary schools had been going on since 1950, and it was only after decades of delays at the administrative level and a test period in 1972 and 1973 that German became obligatory for all Alsatian pupils in third and fourth grade.²⁰⁵ Lacking native German teaching staff, this remains very often on the level of foreign language teaching.²⁰⁶

Simultaneously, the schools provided the most successful tool for linguistic and cultural assimilation as well as political integration of the war and post-war generations. Introducing all pupils in France to the same political and cultural value system was part of the overall education policy of subsequent French governments after 1945. In Alsace, the linguistic component was of particular importance for assimilation, and this challenge was managed – knowledge of French among the total of the Alsatian population jumped from 66.4% in 1946 to 80.5% in 1962,²⁰⁷ not least because of a successful popularity campaign on behalf of the French language. Today only

in the following five areas: consumer protection, employment, education, audio-visual communication, and public service.

²⁰³ Safran, *The French State*, p. 120f.

²⁰⁴ Safran quotes from public opinion surveys that show eighty to ninety per cent of Alsatian households in favour of German language teaching. Cf. Safran, *The French State*, p. 121.

²⁰⁵ Trouillet, *Das Elsaß*, p. 132ff.

²⁰⁶ Essig, *Das Elsaß*, p. 178. This, once again, brings to the fore the importance of the triglossic situation in Alsace. There were attempts as early as 1950 to introduce regional language teaching via the dialect in Alsace, and these have continued until today, leaving the issue of dialect teaching in the hands of regional language policy makers. The teaching of German as a secondary language, however, has removed this issue from the regional agenda with little opportunities for the region to make an impact on the conduct of the respective language classes and curricula.

a small minority of the population in Alsace does not speak French at least as a second language. In parallel, the status of French has increased because of urbanisation and because of considerations that knowledge of French is considered an essential condition for upward social mobility. Demands for instruction in German and for teaching of German as a foreign language (it has to compete with English) have not been a priority for many Alsatians, on the contrary, many parents insist on proper instruction in French for their children. The declining interest in German language and culture and in the dialect, especially in the seventies and eighties, was apparent from the decrease in numbers of circulated copies of the bilingual *Alsatian News* from 317,000 in 1949 to 144,000 in 1977 and to 118,000 in 1984, despite the fact that the Alsatian dialect at that time had still been the native tongue of most inhabitants of the region. Since the eighties this decline has also become manifest in a decreasing number of people able to speak Alsatian dialect, particularly among the younger generation; a loss in linguistic quality despite attempts to establish a standardised written form of the dialect; and a lack of information about German affairs in the local print and electronic media. Especially the latter have proved insufficient in contributing to the linguistic revival because of their being centrally administered.²⁰⁸

In the context of increasing efforts to revive German and the Alsatian dialect, a petition was sent by Alsatian intellectuals in 1984 to President Mitterrand asking for a comprehensive funding and promotion policy of German language teaching in Alsace from pre-school to university level. The Ministry of Education supported the establishment of university courses in which students could study for a degree in a regional language, appointed professors and other teaching staff, and supported the circulation of appropriate teaching material.²⁰⁹ Efforts in this respect continued and in combination with similar demands from other regions, such as Brittany and Corsica, a law was introduced in 1989 allowing for, but not requiring, classes in regional

²⁰⁷ Vassberg, *Alsatian Acts*, p. 23.

²⁰⁸ Cf. Essig, *Das Elsaß*, p. 171. On the status of German in greater detail, Judith Broadbridge, "The Ethnolinguistic Vitality of German according to Status", in Wolff, *German Minorities in Europe*.

²⁰⁹ Cf. Safran, *The French State*, p. 133.

language and culture at all levels of the education system. By 1997, this had not been implemented in Alsace, mainly because of the imbalance between national interests and regional particularism.²¹⁰ Part of the wider context here is the fact that in 1976 cultural autonomy was granted to all regions. This, however, excluded education, where the curriculum has remained a matter reserved to central government policy, thus leaving no room for regional initiatives in this area.

A certain revival of Alsatian linguistic consciousness has occurred in the early 1990s. A survey conducted before the 1992 regional elections in France established that eighty per cent of voters expected the Regional Council and the *Counseils généraux* of the departments to provide a legal guarantee for bilingual school education. About seventy-two per cent of the interviewees stated that a linguistic statute, as achieved by Corsica, would be the ideal form of such a guarantee.²¹¹ Despite this apparent commitment to bilingualism and despite successful private and state-sponsored initiatives for bilingual education in nursery and pre-schools, the number of Alsations who still speak dialect and/or German of a native or near-native quality is constantly decreasing.²¹² Nevertheless, the number of pupils in elementary and secondary school enrolling for German (not dialect) is still impressive and significantly higher than in other areas with regional languages. In 1992, more than 82,000 students at elementary level and more than 66,000 at secondary level took German classes as part of their curriculum.²¹³ Part of the French language policy, however, had been to take legal precautions that no newspaper or magazine could be published which did not include sections of it written in French. From September 1945 to October 1984, bilingual newspapers were only permitted with their title and at least twenty-

²¹⁰ Trouillet, *Das Elsaß*, pp. 149-150 and 257-270.

²¹¹ Essig, *Das Elsaß*, p. 182.

²¹² Exact figures, as far as they can be established, are given by Trouillet, *Das Elsaß*, p. 239. Cf. also Essig, *Das Elsaß*, pp. 181, 185ff. and 211.

²¹³ Cf. Ager, *Language Policy*, p. 69. At elementary level, German is compulsory in third and fourth grade. Trouillet, *Das Elsaß*, p. 132.

five per cent of the text in French.²¹⁴ Since then, monolingual publications in German have again been permitted,²¹⁵ and German daily and weekly papers circulate freely.

The other dimension of Alsatian particularism today is related to the consequences and prevention of environmental destruction. In the course of the seventies and eighties in particular, protests²¹⁶ against nuclear power stations and the building of industrial plants in the area acquired an increasingly regional dimension, not least because of the increase in economic quarrels between regional and central authorities. From an electoral point of view, the Green Party did significantly better in Alsace than in the rest of France, especially at the European level.²¹⁷ When the environmental dimension of regional particularism stretched across the whole of the Alemannic language community²¹⁸ into Switzerland and Germany, Alsatian particularism became increasingly transnational in the 1980s.²¹⁹ This development of a transnational regional identity has increased since the eighties as a consequence of European regionalisation policies, which created regions independent of national borders,²²⁰ and the cultural exploitation of this process in a transnational Alemannic cultural network.²²¹ In the case of Alsace, European regionalisation meant the creation of the Euroregion Saar-Lor-Lux, reinforcing also the consciousness of a distinct regional identity within the French polity. The strength of this regional identity, however, is far greater than in most other regions of France. Alsatian resistance against regionalisation was the lowest in all of France with only eighteen per cent (the same figure as for Brittany). Similarly, almost half of the population in Alsace demanded the strengthening of regional powers. Although the turnout in European elections has been lower in Alsace than the French average in all such elections since 1979, Alsace delivered

²¹⁴ Gras, *Regionalism*, p. 346.

²¹⁵ Trouillet, *Das Elsaß*, p. 130.

²¹⁶ Part of the ecological protests was a bombing in Marckolsheim in which allegedly leftist autonomist groups were involved. Cf. Beer, *The Unexpected Rebellion*, p. 25.

²¹⁷ Cf. Vogler, *Histoire politique*, p. 340.

²¹⁸ Alemannic is part of the family of the Germanic languages, but took a slightly different development than other upper German dialects. Standard German and Alemannic speakers can normally understand each other despite differences in grammar and vocabulary.

²¹⁹ Essig, *Das Elsaß*, p. 176.

²²⁰ On the effects of this process on ethno-regional movements cf. also Safran, *The French State*, p. 119.

²²¹ Essig, *Das Elsaß*, p. 176.

a clear vote in favour of the Maastricht Treaty (fifty-six per cent Yes-votes), which demonstrates the Alsatians' commitment to regionalisation at a European level.²²²

A politicisation of the cultural and ecological revival of Alsatian particularism has not occurred as of yet, because French policy after 1945 has allowed for the preservation of some regional distinctiveness in laws and traditions, for the opportunity to live the native culture, and for relative wealth.²²³ Regional identity is mostly derived from the high living standard Alsatians experience and the privileged position and attention they receive within the framework of European integration. Regionalism, therefore, is mainly confined to those policies which threaten this status. Crises, be they economical or political, are often blamed on insufficient subsidies and excessive taxation by the central government. If regional claims are made, they are only secondarily attached to Alsatian distinctiveness, and mostly result from competition with other regions in France or from difficulties Alsatians experience in their dealings with central authorities. The political component of Alsatian particularism has been transformed into a form of political and economic regionalism as it can be found in other regions across France, or indeed Europe, as a whole.

Alsatian cultural particularism does not imply any political claims to separation, autonomy, or transnational political and economic integration with neighbouring regions populated by members of the Alemannic language community. Rather it symbolises the so far not completely satisfied demands for conditions facilitating the preservation, expression, and development of a specific culture, language, and collective memory, i.e., the old concept of an Alsatianism related to, yet in the end independent of, both German and French culture.²²⁴ Since the end of the Second World War, this has not resulted in any revival of loyalty conflicts, discrimination policies, or social segregation.²²⁵ As long as the specific cultural dilemma of Alsatianism as a not officially recognised minority culture is not resolved, the potential for

²²² Trouillet, *Das Elsaß*, p. 36.

²²³ Gras, *Regionalism*, p. 352.

²²⁴ Trouillet, *Das Elsaß*, p. 29f. On this issue cf. also Essig, *Das Elsaß*, esp. pp. 137-139.

²²⁵ Trouillet, *Das Elsaß*, p. 19.

conflict remains, but as Alsatian history does not provide examples of violent escalation under even more serious conditions, the potential dangers of renewed conflict can be considered rather low.

Summary: The Eventual Success of Integration after 1945

Today, political and economic integration have been completed, and cultural assimilation has progressed very far. Politically, particularism does not play a significant role anymore. Parties founded with a purely regionalist, particularist, or even autonomist basis have had no significant electoral success after 1945. This had partly to do with the right-wing extremist, pro-German nationalist connections some of them had, and partly with the fact that the national parties who have dominated the political spectrum in Alsace after 1945 adopted moderate particularist demands, most of which, especially in terms of local laws and the religious statute have been fulfilled by the French state.

While the influence of the churches has declined and political particularism has lost, due to industrialisation and urbanisation, its formerly major stronghold in the rural population, the agenda of particularism has changed. It has shifted from autonomist demands to cultural issues, and successive French governments have, in the context of regionalisation, made concessions to the cultural demands raised. Being initially confined to a small number of intellectuals, cultural particularism has become more widespread in the late eighties and early nineties. The lack of satisfaction with what has been achieved is no longer being interpreted in terms of specific Alsatian-French conflict, but is more or less attributed to the lack of powers the regions in general have in the area of culture. Thus, this conflict is not between two cultures, but rather between two cultural policies – the one of the unitary French state and that of ethno-cultural activists. The fact that there still remains a significant cultural movement advocating the promotion of Alsatian culture, language, and traditions, and pointing to the oftentimes unsatisfactory situation of the regional culture in Alsace, underlines that the cultural 'conflict' is far from over. One aspect of Alsatian political life that has politically been connected to

particularism was the ecological movement, which began in the mid-seventies. In contrast to the other national political parties active in Alsace, the ecologists have not instrumentalised regional demands for their electoral gain, but their commitment to prevent environmental destruction has mobilised a variety of political groups and Alsatians and forged a regional interest coalition. This coalition, however, was not based on 'ethnic' distinctiveness, but rather on ecological concerns and had a territorial dimension spreading across the regional and national borders.

Eventually, Franco-German reconciliation and the process of European integration have had an impact on the development in Alsace. With Germany no longer being perceived as a threat and German interference into French-Alsatian relations not occurring after 1945 anymore, the perspective of an Alsatian local culture based on Alemannic traditions was no longer interpreted as a threat to French territorial sovereignty either. This allowed successive French governments to make concessions to cultural demands within their self-imposed limits of regionalisation. European integration, on the other hand, has privileged Alsace not only economically, but also in terms of the confidence Alsatians have in their place in France and Europe and has eliminated the pre-war insecurity in this respect.

This combination of political and economic integration and of leaving some space for cultural distinctiveness has proved to be a successful policy of ethnic conflict management, not least because it satisfied the interests of all conflicting parties involved to a sufficiently high degree to provide the basis for adopting co-operational rather than confrontational policies.

Table 10: Conditions Accounting for the Eventual Success of the French Integration Policy in Alsace

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| <ul style="list-style-type: none"> • In France: <ul style="list-style-type: none"> □ Preparedness of successive French governments to compromise on a limited number of ancient Alsatian rights and traditions □ Regionalisation in France □ No inter-ethnic tensions between Alsatians and French • In Germany: <ul style="list-style-type: none"> □ No influential lobby of emigrants from Alsace to put pressure on the German government □ Policy of strict non-interference at federal level □ Virtually no public interest in Alsace |
|--|

- In Alsace and Lorraine:
 - ❑ War experience of Alsations
 - ❑ Desire to prove unconditional loyalty to the French state
 - ❑ Dominance of French national parties, who adopted a moderately particularist agenda
 - ❑ Ethnically defined particularism giving way to regionalism with a component of cultural traditionalism
 - ❑ Recognition of assimilation as essential condition for upward social mobility
- International Context
 - ❑ Franco-German reconciliation
 - ❑ European integration with its opportunities for regional cross-border co-operation

V. The Saarland

Chronology of Key Events

Saarland

Around 500 AD	Germanic settlements.
Around 1000 AD	The Saar area is under the firm control of the German Holy Roman Empire.
1235-1381	The Saar is ruled by the French Counts of Lorraine.
1381-1552	The Saar is ruled by the German Counts of Nassau-Saarbrücken.
1552	Henri III recaptures the Saar.
1688	The Counts of Nassau-Saarbrücken are reinstated in their rights over the Saar.
1793	French revolutionary troops occupy Saarbrücken.
1801	Treaty of Luneville: French occupation of the Saar is recognised.
1814	Allied troops recapture the Saar.
1815	Congress of Vienna: The Saar and other left-Rhenish principalities are annexed to Prussia.
1871	Peace Treaty: France loses its border with the Saar as Germany gains Alsace and Lorraine.
1918	Armistice at the end of World War One: French troops occupy the Saar.
1919	Treaty of Versailles: Only a temporary settlement over the Saar is reached.
1920-1935	International administration of the Saar.
1922	Inauguration of the <i>Landesrat</i> , an elected body with a consultative role.
1923	French Franc becomes the only legal tender in the Saar.
13 January 1935	Referendum: An overwhelming majority speaks out in favour of reunion with Germany.
1935-1938	Limited left-wing and Catholic resistance to the Nazi regime.
January 1945	General de Gaulle claims the entire left bank of the Rhine as French security zone.
1946	After Allied resistance to permanent French annexation of the Saar, France opts for economic integration of the Saar and presents detailed proposals to that effect.
By October 1946	Four political parties have received a licence – the Christian People's Party, the Social Democratic Party of the Saar, the Communist Party of the Saar, and the Democratic Party of the Saar.
13 February 1947	A Constitutional Commission for the Saar is appointed.
25 September 1947	A draft of the Saar constitution is published.
5 October 1947	First <i>Landtag</i> elections in the Saar.
15 December 1947	<i>Landtag</i> approves constitution.
Jan. 1948 – Jan. 1949	The French and Saar governments sign a number of conventions to legalise their economic union.
1948	Berlin Agreement of the Western Allies: Recognition of the status of the Saar as a French 'economic possession.'
1949	Foundation of the West German state.
From 1949 onwards	Growing anti-French/pro-German opposition in the Saar.
February – March 1950	Negotiations between the French and Saar governments lead to new conventions and agreements.
10 March 1950	German government memorandum on the Saar affirms German claims to the territory.
From 1950 onwards	Growing economic co-operation between the Saar and Germany. Official German political support of the pro-German opposition in the Saar begins.
May 1951	Ban of the Democratic Party of the Saar by the Saar government.
April 1951	Paris Conference: Germany achieves a formal French acknowledgement that signing the ECSC treaty does not imply recognition of the status of the Saar.
January 1952	France opens an embassy in the Saar replacing the office of the High Commissioner.
February 1952	Germany announces in a letter to the Council of Europe that it would bring the issue of civil rights violations in the Saar before the Council's next session.
Spring 1952	Decision to form a CDU and an SPD in the Saar.
August 1952	After Allied encouragement, France and Germany begin negotiations over the Saar.
October 1952	Franco-German negotiations break down.
November 30, 1952	<i>Landtag</i> elections in the Saar: Pro-German opposition parties (CDU, SPD) were not allowed to contend the elections, blank and invalid votes amount to 24.5% of the total of votes cast.
April 1953	Saar government launches a six-point plan for the Europeanisation of the Saar.
May 1953	Franco-German negotiations are reopened, but end without conclusion.
May 1953	Changes and amendments to the existing Franco-Saar conventions are approved by the French and Saar governments after brief negotiations.
Second half of 1953	New Franco-German negotiations begin.
April 1954	Fall of Dien Bien Phu and publication of the Council of Europe's recommendations on the settlement of the Saar question (Van der Goes van Naters Plan).
April 1954	German <i>Bundestag</i> reaffirms unanimously an earlier resolution of July 2, 1953 that the Saar remains German territory.
July 1954	Government crisis in the Saar.
October 23, 1954	France and Germany reach agreement over the status of the Saar until the conclusion of a peace treaty, including the holding of a referendum in the Saar.
Dec. 1954 – March 1955	The German and French parliaments ratify the agreement.
October 23, 1955	Referendum in the Saar: A majority of voters (67.5%) rejects the proposed settlement.
December 18, 1955	<i>Landtag</i> elections: The pro-German parties win an overwhelming victory.
January 1956	Coalition government of pro-German parties is established.
January 31, 1956	The new <i>Landtag</i> votes in favour of a resolution declaring an end to Saar separation from Germany.
March – May 1956	Bilateral Franco-German talks establish <i>modus operandi</i> for reunification of the Saar with Germany.
January 1, 1957	Saar becomes part of the Federal Republic of Germany.
Until 1959	Transitional period with interim regulations concerning the international status of the Saar.

The Saar is an area of about 700 square miles west of the river Rhine between France and Germany. Historically, the value of the territory stemmed from its strategic position covering the road into the centre of France. Later on, its natural wealth in coal and the successful local iron and steel industries complemented its strategic value. Thus, it was not surprising that France and Germany struggled over the Saar for centuries. France gained and lost sovereignty over the area several times as a result of various wars, but always maintained its claim to the territory. Twice in the history of the Saar provisional international agreements were achieved – after World Wars One and Two – both of which resulted in referenda in which the predominantly German population expressed its desire to be part of Germany. An eventual settlement between France and Germany, which determined the status of the Saar as part of the Federal Republic of Germany, was brought about in the Franco-German Treaties of 1956.

Historical Background

Saar History until 1919

The earliest settlers in the area were presumably members of a Gallic tribe known as Mediomartici. Germanic settlement started around the fifth century AD and the territory had come under the firm control of the (German) Holy Roman Empire by the end of the first millennium. In 999, the German emperor Otto III signed a decree that passed the Saar to the Bishop of Metz. This decree has formed the basis of all French legal claims to the territory.²²⁶ Between 1235 and 1381, the Saar was ruled by the French counts of Lorraine, thereafter by the German counts of Nassau-Saarbrücken. Recaptured by Henri III in 1552, the Saar and some of its small neighbouring counties had become completely dependent upon France by the middle of the seventeenth century so that French rule over the area was eventually accepted as a matter of political reality in 1680. However, eight years later, after the war between France and the League of Augsburg, the Saar was released from French occupation and the counts of Nassau-Saarbrücken regained full sovereignty.

²²⁶ Laing Gray Cowan, *France and the Saar, 1618-1948* (New York: Columbia University Press, 1950), p. 18.

The French Revolution in 1789 sparked a number of peasant uprisings resulting in the then count granting a number of rights to the popular movement. In 1793, French revolutionary troops occupied Saarbrücken, and again a period of French administration of the Saar began, which was officially recognised in the Treaty of Luneville in 1801. A referendum in the same year, however, showed only very limited support for an annexation of the Saar to France as only twenty-five per cent of the eligible voters signed a petition in favour of such a development.²²⁷ Similar to Alsace and Lorraine, the numerically small upper strata of society felt particularly attracted to French culture (as the South Tyrolese upper class felt attracted to Italian culture), while the similarly small middle class exhibited a certain liking of the political achievements of the French Revolution. The recapture of Saarbrücken by Allied troops in January 1814 was consequently welcomed by the majority of the population. The settlement of the Saar boundaries by the Congress of Vienna in 1815, however, was met with less enthusiasm, because it annexed the Saar as well as other left-Rhenish principalities to Protestant Prussia – a rather unwelcome prospect for the mainly Catholic population.

Until 1860, France was preoccupied with border alterations in the South, but when these were eventually achieved through the annexation of Savoyen, its attention turned towards the east and north east.²²⁸ The active Rhine policy pursued by France included plans for annexation as well as territorial exchanges at a European level and had to be modified several times because of geo-political changes. An envisaged Franco-Austrian coalition against Prussia became pointless after the Austrian defeat in the war against Prussia in 1865/66.²²⁹ Direct advances to Prussia to achieve some sort of territorial settlement proved unsuccessful.²³⁰ The Frankfurt peace treaty between France and Germany after the 1870/71 war put an immediate end to French ambitions to regain the Saar not only because of its defeat but also because France,

²²⁷ Ibid., p. 38.

²²⁸ Fritz Hellwig, *Der Kampf um die Saar 1860-1870* (Leipzig: Noske, 1934), pp. 53-68.

²²⁹ A draft of a treaty for an alliance between France and Austria included arrangements according to which France would regain the Saar, and Austria would gain Silesia in case of Prussian defeat. Cf. Gowan, *France and the Saar*, p. 95.

²³⁰ Gowan, *France and the Saar*, p. 91ff. Also, Hellwig, *Der Kampf*, pp. 75-83.

through the German annexation of Alsace and Lorraine had lost its common border with the Saar. This situation remained unchanged until the armistice of 11 November 1918, which led to the renewed French occupation of the Saar.

Between France and Germany: The Status of the Saar, 1919 – 1935

On 24 January 1919, France placed the Saar under military government and pursued a policy of separating it from Germany, of promoting its union with France, and of long-term integration into the French Republic.²³¹ As a first sign of the integration efforts, the military government introduced French as a compulsory subject in Saar schools on 15 February 1919,²³² despite the strong resistance of the Saar population, official protests from the German National Assembly in Weimar, and opposition from the French socialists. Similarly, the industrial sector was subjected to strict regulation by the French military authorities. Simultaneously, economic links between the Saar and France were established.

Nevertheless, France had to settle for a provisional status of fifteen years international administration of the Saar, whose final status was to be subject to a referendum at the end of this period. The implementation of this Saar statute²³³ was supervised by a commission appointed by the League of Nations. With the appointment of this commission the Saar was given a government with exceptionally strong powers, which was not accountable to an elected parliament. This and the fact that the commission was strongly pro-French²³⁴ did not increase the willingness of the Saar population to co-operate. From 1922 onwards, a so-called Advisory Council or *Landesrat* existed. Its thirty members were elected by universal suffrage for three-

²³¹ Russian approval of the French Saar annexation had been secured as early as 1918, and the resistance of the British and Americans was overcome during 1919.

²³² According to Hirsch, regular French classes (four hours per week from fifth grade onwards) were introduced in 1922. Cf. Helmut Hirsch, *Die Saar von Genf* (Bonn: Röhrscheid, 1954), p. 25.

²³³ Cf. the detailed analysis of the statute in Helmut Hirsch, *Die Saar in Versailles* (Bonn: Röhrscheid, 1952), pp. 47-56.

²³⁴ Cf. Gowan, *France and the Saar*, p. 120.

year turns, but they had no power and their responsibilities were limited to advising the commission on matters of legislation.²³⁵

With the introduction of the French Franc as the only valid currency in the Saar on 1 June 1923, economic ties between France and the Saar were strengthened considerably and the territory became an important market for French goods. This was part of a more general French policy in the Saar, which sought to strengthen French influence and to develop Saar autonomy. Until 1926/27, both of these goals were balanced against one another. Afterwards, however, greater emphasis was placed on the realisation of French interests in the Saar. Consequently, tensions between population and government of the Saar grew and a movement began to form that demanded the reunion of the Saar with Germany before the 1935 referendum.²³⁶

In the meantime, the *Saarverein*, which had been founded in Germany in the early 1920s, co-ordinated the efforts of the Saar emigrants in Germany to achieve a speedy return of the Saar. Although economic integration into France made progress, the political situation in the Saar became increasingly anti-French and pro-German. The NSDAP, while rising to political power in Germany, competed for the first time in elections to the Saar *Landesrat* in 1932 but gained only two seats in the Advisory Council which was dominated by the Catholic Centre (fourteen seats), the Communists (eight) and the Social Democrats (three), all of which were opposed to a pro-German plebiscite.²³⁷ This constellation began to change in the course of 1933. In July, the smaller right-wing pro-German parties (German National People's Party, Peasant's Party, Saar German People's Party, Saar Economic Party) formed the German Front to co-ordinate their efforts in support of a pro-German referendum. The Catholic Centre joined the Front in October 1933 and the NSDAP in March 1934. The two parties opposing this development – Social Democrats and Communists – aligned their forces with the Saar Economic Association and a small number of Catholics led by Johannes Hoffmann who did not

²³⁵ The formation of a local police force began only in 1922, and French troops remained in the Saar until 1927 and were used for police purposes as well.

²³⁶ Ulrich Pohlmann, *Die Saarfrage und die Alliierten 1942-1948* (Frankfurt am Main: Lang, 1992), p. 25.

²³⁷ The Saar Economic Party (1) and the Saar German People's Party (2) held the remaining seats.

support the Catholic Centre's policy and formed the Saar Freedom Front, later renamed Anti-Fascist Unity Front. However, they were less well organised and far less powerful. With religion being an important part of the Saar population's identity, and the Catholic clergy, similar to Alsace, South Tyrol, and Northern Ireland, thus playing a major role in the social and political life of the Saar, the chances for the opponents of reunification with Germany to gain a significant part of the vote were completely shattered when the Bishop of Trier encouraged the population to vote for the return to Germany.

Nevertheless, and despite the fact that the SA and SS had been banned in the Saar since 1928, clashes between the two movements increased significantly throughout 1933 and 1934. The Saar commission faced the problem that the administration in the Saar was, at least numerically, dominated by Germans. Although they did not occupy the top positions in ministries and departments, their influence on the day-to-day running of Saar affairs could not be underestimated, as their generally pro-German attitude did not support the commission's efforts to secure fair conditions for the plebiscite.²³⁸ The commission called in 3,300 foreign troops from Britain, Ireland, the Netherlands, and Sweden to supervise and secure the referendum, which took place on 13 January 1935. Of the 528,105 votes cast, 477,119 were in favour of a return of the Saar to Germany, 46,613 for the *status quo*, and only 2,124 for union with France.²³⁹ This was a clear manifestation of the Saar population's ethnic identity as German and of its desire to see this identity develop in a German national environment rather than in a situation of uncertain national affiliation and dominated by a state with as homogenising an approach to the question of nationhood as France.

²³⁸ Albert H. V. Kraus, *Die Saarfrage (1945-1955) im Spiegel der Publizistik* (Saarbrücken: Verlag Die Mitte, 1988), p. 37.

²³⁹ Voters were given a choice of three options: (1) Do you want the Saar territory to become part of Germany? (2) Do you want the Saar territory to become part of France? (3) Do you want the *status quo* being preserved?

The Saar as Part of the Third Reich²⁴⁰

The official date of the restoration of German sovereignty over the Saar was 1 March 1935, when a representative of the League of Nations handed over power to the German minister of the interior. The German *Reich* had decided to leave the Saar as an administrative entity of its own (instead of dividing it between Bavaria and Prussia according to the pre-1919 situation), but had it administered as part of the Palatine *Gau*.²⁴¹ The Law on the Provisional Military Administration of the Saar of 30 January 1935 had determined the name of the territory to be *Saarland*. France and Germany had already settled the matter of French ownership of the coal mines, railways and other property in the Saar in the Treaties of Rome,²⁴² which also provided some initial protection for opponents to the Nazi regime by granting a limited immunity from prosecution in matters related to the referendum.²⁴³

However, the restoration of German sovereignty over the Saar meant that all German legal regulations were applied in the Saar as well, which included all the emergency provisions that had been enacted on 28 February 1933. They were the basis upon which the German state organised the prosecution and elimination of political opponents and of what the Nazis regarded as 'inferior' people – Jews,²⁴⁴ Gypsies, Homosexuals, and disabled people.²⁴⁵

Some leftist and Catholic circles resisted the Nazis actively before 1938. In 1936/37, the Catholic population protested against the abolition of the confessional school system, and in 1937/38, miners refused to work on Sundays. This form of opposition, rooted in the strong religious component of Saar identity, is similar to developments in Alsace in the mid-1920s and

²⁴⁰ Two good general overviews of this period are Albert Marx, *Die Geschichte der Juden im Saarland : vom Ancien régime bis zum Zweiten Weltkrieg* (Saarbrücken: Verlag Die Mitte, 1992) and Abteilung Presse und Information, *Kurzer Abriss der Geschichte des Saarlandes* (Saarbrücken: Staatskanzlei des Saarlandes, Abteilung Presse und Information, 1982).

²⁴¹ Cf. Pohlmann, *Die Saarfrage*, p. 26.

²⁴² The deal agreed upon meant that Germany had to pay 300,000,000 Francs in cash and 600,000,000 Francs in goods. Cf. Gowan, *France and the Saar*, p. 172.

²⁴³ The League of Nations supervised the adherence to the Treaties of Rome. A similar mechanism was established after the 1955 referendum. Cf. below.

²⁴⁴ The last 134 of formerly 6,400 Jews were deported from the Saar in 1940.

²⁴⁵ Until 1938, about 6,000 people had fled the Saar, some of whom fought in the International Brigades in the Spanish Civil War, in the French resistance movement, or the National Committee Free Germany. Others who did not escape were imprisoned or sent to concentration camps.

again in the 1930s. It also highlights the differences in the French and German political environment – while Alsatian particularism had at least some limited success in defending its religious status, initial opposition in the Saar failed, and from 1938 onwards, organised political resistance ceased to exist at all, partly because of the economic recovery of the Saar, partly because of the effective control exercised by *Gestapo* and SS. In addition, the racist and nationalist ideology of the Nazis conquered the minds of many people in the Saar and led them to tolerate if not actively endorse the new regime. After 1942, the Saar became a target of Allied air raids. As a result of these, thousands of civilians died and almost the entire infrastructure and more than half of all houses and public buildings were destroyed. From 6 December 1944, the former border region between the Saar and France was declared a military operation zone and the civilian population was forced to move out of the area. At the end of the war, the Saar population found itself in a widely destroyed country and disillusioned with Germany.

The Re-emergence of the Saar Conflict after 1945

Prelude to the Conflict

The failure of the Peace Treaty of Versailles to ensure peace and stability in Europe and the consequences of this failure influenced the way in which the World War II allies approached the question of a post-war settlement. However, this was not the only factor of influence. Soviet territorial expansion in the east and the subsequent compensation of Poland resulted in severe alterations of Germany's eastern borders. The postponement of a peace treaty gave all arrangements the taste of temporality. In contrast to the development after the First World War, the allied military occupation and the different zones of occupation effectively removed Germany as a player from the political arena until the foundation of the two German states in 1949. German partition and the outbreak of the Cold War changed the geo-political interest structure in Europe and led to the inclusion of West Germany into the beginning process of European and Western integration.

French Saar Policy until 1947

France, which had suffered greatly and incurred tremendous losses during the war, had three basic demands at the end of the war – security, reparations, and participation in the occupation of German territory. Common to all three demands was that they gave rise, once again, to territorial and border questions. At a press conference on 25 January 1945, General de Gaulle claimed the Rhine as a natural border which, in its whole length, represented French and world-wide security interests.²⁴⁶ The need for plans concerning the special treatment of the Saar, Ruhr, and Rhineland was, initially, not very well received among the Allies nor in France itself as territorial gains at the cost of Germany were potentially seen as giving rise to renewed German nationalism.

Such objections, however, did not stop France from pursuing its distinct interests with respect to the Saar; rather, these early objections helped France to formulate a successful long-term policy with respect to the Saar. First of all, it was necessary to dissociate the Saar question from the Rhineland and the Ruhr. This was not too difficult, as the Saar, in contrast to the other two territories, had historically been under French influence for considerable periods and even belonged to the French state for some time (1681-1697 and 1792-1814/15). In addition, it had already served once as compensation for French war losses, namely between 1919/20 and 1935. A problem that remained, and had existed in a similar way in 1919, was the fact that the population of the Saar had a very strong German identity, and had demonstrated its desire to be German and belong to Germany rather than to France in the 1935 referendum. This argument, however, could at least be weakened by pointing to Nazi influence at the time.

A French mission, which was sent to the Saar in summer 1945 after France had formally become the Allied occupation power in the Saar,²⁴⁷ strengthened the French argument

²⁴⁶ Cf. Jacques Freymond, *The Saar Conflict, 1945-55* (London: Stevens & Sons, 1960), p. 5.

²⁴⁷ According to the Yalta Agreement between Britain, the USA, and the Soviet Union, France was to become the fourth member of the Allied Control Commission. The European Advisory Commission of the Allies designated the Saar, Baden, Württemberg, and Rhineland-Palatine as the territory of French occupation. This settlement was signed on 26 July 1945, and ratified by the four powers between 29 July and 13 August. The Saar territory had been liberated by American troops on 21 March 1945, which remained there until they were substituted by French troops on 10 July 1945.

by concluding that the Saar had been a disputed territory between France and Germany for almost 300 years and that it had strategic importance for France because of its defence value, industries, and natural resources. The solution proposed by the mission formed the basis of French policy in the years to follow – economic integration of the Saar into France while giving it a politically autonomous status within a framework of monetary and customs union. This meant the political and economic detachment of the Saar from Germany. Immediately, the French Military administration took a first step into this direction by creating five separate administrative entities in its zone of occupation, one of them being the Saar.²⁴⁸

In early 1946, the French government made a proposal for the future status of the Saar, which marked the abandonment of the earlier annexation plans in favour of economic union.²⁴⁹ Economically, the Saar was to be incorporated into France and the French customs area, French rights to the Saar coal mines were to be recognised by the Allies, and the German mark was immediately to be substituted by the French Franc. Politically, France envisaged the establishment of a central administrative body for the Saar, the so-called High Commission, the delegation of responsibility for Saar foreign and defence policy to France, and the permanent deployment of French troops in the area.²⁵⁰

The French decision to press for such an arrangement had been informed by the consideration of a number of factors, not all of which were to the advantage of France. On the

²⁴⁸ This policy was based on a memorandum of 1944 in which a former French consular to the Saar had outlined the French interests in the Saar and ways to their realisation. Based on the approach that the military security of France depended on the strengthening of the French industrial capacity and the simultaneous weakening of that of Germany, the detachment of the Saar coal mines and steel production from Germany and their economic incorporation into France seemed to him the logical solution. Although there were other and more radical proposals as well, the great advantage of this one was that it fitted in with de Gaulle's conception of French policy towards Germany which consisted in demands for the territorial, economic, and military weakening of Germany and presented aims which were more reasonable and more likely to be accomplished in the general framework of (Western) Allied policy. However, de Gaulle's conception of how to secure French interests in a post-war Europe was not unrivalled. Another suggestion to solve the German problem was the integration of Germany into a system of collective security and a simultaneous democratisation of German society. The further development of the Saar question would show that the policy based on the strength-weakness approach would be successful until the late 1940s but inevitably lead to territorial conflict with Germany, while the policy change towards the establishment of a system of collective security would require a solution of the Saar problem which was dramatically different from the original French goals of 1944.

²⁴⁹ The decision-making process which led to the French memorandum of 12 February 1946, has been documented in Rainer Hudemann, "Die Saar zwischen Frankreich und Deutschland 1945-1947", in Rainer Hudemann and Raymond Poidevin, *Die Saar 1945-1955* (Munich: Oldenbourg, 1995), pp. 11-24, here pp. 23ff.

negative side was the situation in the Saar itself. Between 30,000-35,000 people had died during the war, more than 100,000 were prisoners of war, and there was also a high percentage of wounded and missing. More than half of the housing stock had been destroyed. Economic and social life were completely paralysed, mostly as a result of the casualties, but also because schools, hospitals, factories, and bridges had been destroyed. Incorporating the Saar into France, whatever the concrete method, meant that France had at least to take on responsibility to feed and house the population.²⁵¹ This population, eighty-three per cent of who had been born in the Saar,²⁵² did not only have a historically grown and very strong regional sense of identification with its homeland, but was generally pro-German, i.e., regarded itself and the character of its homeland and its identity best preserved in a German national environment. In addition, the small pro-French section was split between those who wanted to establish the Saar as, at least, politically an autonomous unit and those who favoured complete integration with France.

On the positive side were anticipated long-term economic gains and political advantages for France. The proposed arrangement would deprive Germany of a part of its war industry, would dissociate the Saar from French reparation demands, and would weaken the political ties between the Saar and Germany.

The implementation of the French proposal was only possible because a number of factors worked to France's advantage, the most important of them being that Britain and the USA had so far been in favour of a special treatment for the Saar but had not developed any concrete plans,²⁵³ so that the French proposal of 1946 did not have to compete with other concrete models representing the interests of other Allied powers. Other factors were France's relative strength compared to Germany, its claims as one of the victorious powers, and the recognition of the French right to military security and material compensation. Of no lesser importance was the beginning of the split between the United States and Great Britain, on the

²⁵⁰ Cf. Pohlmann, *Die Saarfrage*, pp. 102-104.

²⁵¹ Freymond, *The Saar Conflict*, p. 12.

²⁵² Gowan, *France and the Saar*, p. 16.

²⁵³ Cf. Pohlmann, *Die Saarfrage*, pp. 69-70 and 104-105.

one side, and the Soviet Union on the other. The fact that the four Allied Powers were unable to achieve agreement on the Saar issue and the increasing emphasis that the USA and Britain placed on Western integration, made it easier for France to secure a settlement of the Saar question that met its interests.²⁵⁴ Thus, while the Soviet Union strongly resisted any plans to place the Saar under a separate regime, and remove this valuable territory from the pool of reparations, France obtained a conditional yes from the other two Allies in exchange for its support for the setting-up of a central (West) German administration.²⁵⁵ The two Western Allies' decision to make concessions to France on the Saar issue was motivated by their firm intent to prevent an internationalisation of the Rhineland and Ruhr to prevent the Soviet Union from expanding its zone of influence further west. A pre-condition for the success of this strategy was to avoid at all cost Franco-Soviet co-operation in Germany, and the Saar issue was rightly perceived as a major asset with which French allegiance to Britain and the USA could be secured.²⁵⁶ In addition, a final settlement of the reparations question was impossible without establishing the future status of the Saar either as part of the general reparations pool or as detached from it. Eventually, the French argument vis-à-vis the (Western) Allies was also strengthened by the obvious geographic and economic links between the Saar and Lorraine.²⁵⁷

In the course of the implementation of this policy, the first measures of the French government were essentially economic – the sequestration of the mines on 28 December 1945 and their being placed under French administration on 2 January 1946. The political and economic dissociation of the Saar from Germany was increased on 22 December 1946, through the extension of the French customs barrier to the eastern frontier of the Saar.

²⁵⁴ A detailed account of the role the Saar issue played in Allied negotiations over the future of Germany can be found in Pohlmann, *Die Saarfrage*, pp. 97-204.

²⁵⁵ Freymond, *The Saar Conflict*, pp. 17-22.

²⁵⁶ Cf. the detailed exploration of the Anglo-American position on the Saar in Martin Kerkhoff, "Grundzüge der anglo-amerikanischen Haltung zur Saarfrage 1946-1948", in Hudemann and Poidevin, *Die Saar*, pp. 81-96.

²⁵⁷ The links were the coalfield stretching from Lorraine right into the Saar basin and the mutual importance of iron ore from Lorraine and coal from the Saar for the industries in both areas. Gowan, *France and the Saar*, pp. 210-211. Also, Eberhard Menzel, *The Saar Problem* (Hamburg: Bonner Berichte, 1952), pp. 6-10.

While economic integration was pursued eagerly by France and encountered hardly any resistance,²⁵⁸ any moves towards further political integration of the Saar met with strong opposition from within three camps – internationally from the Allies, and within France from the SFIO²⁵⁹ and from Lorraine.²⁶⁰ This strong opposition to political integration of the Saar into France, however, did not mean that France would stop pursuing its policy of separating the Saar politically from Germany. As a permanent international settlement of the issue approved by all four Allied powers would clearly not be achieved in the foreseeable future, a Saar constitution was required which would have to compensate partly for the absence of an international statute. A constitutional commission was set up on 13 February 1947 and a draft constitution was published on 25 September 1947. The constitution was based on similar documents adopted for the other German states but had to observe certain French directives. Most of these regulations became part of the preamble to the constitution. The key points of the constitution which represented French interests in the Saar were the economic integration of the Saar into France through a monetary and customs union, Saar independence from German sovereignty, French responsibility for representing the external and defence interests of the Saar, the application of French monetary and customs legislation, and the right of the French governor in the Saar to issue decrees to safeguard the economic union and to execute monetary and customs regulations.²⁶¹ The special rights which France could derive from the economic union with the Saar were also specified in the preamble, and their enumeration was a significant success for those who had argued for stronger autonomy of the Saar, as this enumeration meant that there

²⁵⁸ On 4 January 1947, a co-ordination mission for the economic integration of the Saar into France was created, whose tasks were to formulate an overall French Saar policy and to control the French military administration in the Saar.

²⁵⁹ The French Socialists objected to the policy of territorial gains in the Saar not only for ideological reasons, but also because of their more general rejection of de Gaulle and his policies. Pohlmann, *Die Saarfrage*, p. 111; also Wilfried Loth, *Sozialismus und Internationalismus. Die französischen Sozialisten und die Nachkriegsordnung Europas 1940-1950* (Stuttgart: Kohlhammer, 1977).

²⁶⁰ Resistance to political integration of the Saar in Lorraine was based on the consideration that the Saar was an unwanted competitor that had taken Lorraine's traditional position as intermediary between France and Germany at the cost of Lorraine's industry. Demands from Lorraine, therefore, were to postpone immediate annexation, to introduce a period of fifteen to twenty years of probation for the Saar, but to exploit France's political position through the sequestration of the mines and the iron and steel industry, and to retain firm control over the Saar by a regime of occupation. Cf. Freymond, *The Saar Conflict*, pp. 24-25.

²⁶¹ Cf. Gowan, *France and the Saar*, p. 221.

would be no subsequent interpretation disputes on French rights.²⁶² While the constitution achieved the French aim to separate the Saar from Germany, it did not deliver what the pro-French among the political forces in the Saar had desired, namely a status of full internal self-government.²⁶³

Developments in the Saar

By October 1946, the French administration had licensed four political parties – the Christian People's Party (CVP, founded on 10 January 1946), the Social Democratic Party of the Saar (SPS, founded on 28 October 1945), the Communist Party of the Saar (KPS, founded on 10 January 1946), and the Democratic Party of the Saar (DPS, founded on 26 October 1946).²⁶⁴ The dominating political party from 1946 to 1955 was the CVP. Together with the SPS it strongly supported the idea of an autonomous Saar economically unified with France and politically detached from Germany, partly reflecting the post-1935 experience of its leadership, rather than the long-term interests of its electorate. While the KPS resisted the policy of economic union with France from the beginning, the DPS had initially accepted closer economic ties with France. From 1950 onwards, however, this party did not only oppose the economic policies of France in the Saar but the French Saar policy in general, especially the lack of autonomy of the Saar and the way in which the conventions signed between the Saar and France were implemented.²⁶⁵

By the time the DPS turned into an opposition party, the MRS had become a politically insignificant factor in Saar politics because of its increasing detachment from the political parties and the population in the Saar.²⁶⁶ Initially, its membership consisted mostly of Saar

²⁶² Michael Sander, "Die Verfassung des Saarlandes: Politische Planung und politischer Erfolg Frankreichs", in Hudemann and Poidevin, *Die Saar*, pp. 237-252, here p. 248.

²⁶³ Cf. Menzel, *The Saar Problem*, pp. 9-10.

²⁶⁴ A short analysis of the party political system of the Saar between 1946 and 1955 is Winfried Becker, "Die Entwicklung der politischen Parteien im Saarland 1945 bis 1955 nach französischen Quellen", in Hudemann and Poidevin, *Die Saar*, pp. 253-296.

²⁶⁵ Cf. Pohlmann, *Die Saarfrage*, pp. 74-83.

²⁶⁶ In the years before, especially between 1946 and 1948, however, the MRS had played a significant role in securing French influence on the developments in the Saar. Originating from the Movement for the Liberation of the Saar, its goals were the political and economic integration of the Saar into the French polity and the complete cultural

emigrants to France after 1935, but soon it had more than 30,000 members, thanks to an enormous propaganda effort and the backing of the French administration in the Saar. The strongest impact the MRS made on Saar politics was in connection with the drafting of the constitution. According to a decree issued by the French military governor, the four parties who nominated the delegates to the constitutional commission had to make sure that half of the members of the commission had to be MRS members. Since the chairman of the commission, CVP leader Johannes Hoffmann, was an MRS member as well and since his vote decided in case of a draw, no draft constitution could be passed by the commission against the MRS.²⁶⁷ A certain safeguard against abuse of this position by the MRS could be seen in the fact that the constitution could not be put into force by the drafting commission but only by the *Landtag*, which was subsequently elected by the Saar population.

After a short election campaign, the first post-war *Landtag* elections were held on 5 October 1947. With a turnout of 95.7%, they resulted in an overall majority for the CVP (51.2%), with the SPS (32.8%) coming in second, followed by the KPS (8.4%) and the DPS (7.6%).²⁶⁸ The *Landtag* voted in favour of the constitution on 8 November and it entered into force after French approval on 15 December 1947. The military government was transformed into a High Commission on 31 December 1947. These election results can, with some caution, be interpreted as a vote of the population for economic integration with France: eighty-four per cent of the votes were in favour of the two parties (CVP, SPS) who had advocated the unconditional economic union with France, the DPS had done so as well after some hesitation,²⁶⁹ and only the KPS had spoken out against economic union.²⁷⁰ This seems to be in

assimilation of the Saar population. Cf. Robert H. Schmidt, *Saarpolitik 1945-57* (Berlin: Duncker & Humblot, 1959-1962), vol. 1, pp. 154-155.

²⁶⁷ The regulations of the French Military Administration are analysed in Robert Stöber, *Die Saarländische Verfassung vom 15. Dezember 1947 und ihre Entstehung* (Cologne: Verlag Wissenschaft und Politik, 1952), pp. 2-3. (Robert Stöber is the pseudonym for Heinrich Schneider who served as chairman of the DPS through most of the conflict period.)

²⁶⁸ The percentage figures in brackets refer to the overall number of valid votes. The number of invalid votes was just under ten per cent. Cf. Pohlmann, *Die Saarfrage*, p. 196.

²⁶⁹ In the original party programme, the DPS had not committed itself to a position on the issue of economic union and was therefore not issued with a license by the French Military Administration. After appropriate changes were made, the license was issued. The two programmes are reprinted in Schmidt, *Saarpolitik*, pp. 262ff. and 593ff., respectively.

contradiction with the political aspirations expressed by the Saar population some twelve years earlier and, in retrospect, eight years later. However, this contradiction is only superficial, as, at the time, there was no obvious link between economic and political developments – Germany was still divided into zones of occupation, France had not joined the bizonal arrangements between the United Kingdom and the United States, and there was no indication that economic integration with France (at the time seeming a prudent choice given the economic conditions in Germany) would sever the ‘national’ links with Germany. As such, the election results do not indicate a sudden change in Saar identity.

Although official French policy was directed at the fulfilment of the autonomy status of the Saar, some efforts were also made in terms of integration. Some elements of French legislation and of the legislative system were introduced in the Saar. On 27 November 1947, the French Franc became the only valid currency.²⁷¹ Both measures served to widen the gap between the Saar and Germany. In addition, attempts were made to spread French culture.²⁷²

The International Context

The tacit consent of the USA and Britain to these French integration measures was put on a formal legal basis with the tripartite agreement between them and France signed on 20 February 1948 in Berlin. The agreement consisted of four individual treaties which specified that all coal produced in the Saar belonged to France, that the French reparations account would be reduced by seventy million *Reichsmark*, and that the trade relations between the Saar and the British and American zones of occupation were henceforth regarded as foreign trade.²⁷³ This considerably

²⁷⁰ As early as March 1947 the KPS had criticised the policy of the CVP and SPS to negotiate for an economic union between the Saar and France without that the prior consent of the population had been obtained. Cf. Pohlmann, *Die Saarfrage*, pp. 82-83. Because of the pressure exercised by the strong French Communist Party, the KPS, in contrast to the DPS some years later, was not banned because of its opposition to economic union with France. Cf. Becker, *Die Entwicklung*, p. 291. This policy continued after the reunification of the Saar with Germany, and the party was eventually banned on 9 April 1957, by a decree of the Saar minister of the interior. Cf. *ibid.*, p. 295.

²⁷¹ During an interim period between 16 January and 20 November the so-called Saar-Mark was the official currency.

²⁷² More details on these early French assimilation efforts can be found in Freymond, *The Saar Conflict*, pp. 34-37.

²⁷³ Cf. the account of the treaties in Pohlmann, *Die Saarfrage*, pp. 212-214.

strengthened the French position in the Saar and vis-à-vis Germany and the Western Allies.²⁷⁴

With this agreement being the only one ever concluded between the Western Allies regarding the Saar, Germany could later on rightly adopt a position claiming the Saar was still part of German territory. However, it would be wrong to suggest that the conflict between France and Germany over the Saar emerged from this agreement. Rather, it emerged from the different interpretations of it – France took it as consent from the Western Allies to pursue its policy of economic integration of the Saar with all its obvious political consequences, while Germany insisted on the provisional status of the settlement and saw the agreement merely as a matter of regulating technical questions. Nevertheless, the conclusion of the agreement between the Western Allies marked the end of the first stage in the post-1945 Saar conflict.

The Trilateralisation of the Saar Conflict: Germany, France, and Europe

Until the end of 1947 France was firmly in control of all developments relating to the Saar. Germany was economically and politically weak, still governed by the Allied military governments, and in no position to exercise political influence. In the Saar itself, there was no significant opposition to French policy. This situation began to change gradually from 1948 onwards. In the international arena, Germany started to recover economically and politically. With the foundation of the Federal Republic in 1949, Germany became a political player again, yet remained somewhat limited in its actions because the country had not yet regained full sovereignty. At this stage, the Saar question was not a priority for the newly formed German government, but rather one aspect of its overall relationship with France.²⁷⁵ France, on the other hand, was weakened internally by a number of government crises, a constant lack of stable parliamentary majorities, and externally by losing ground in North Africa and South East Asia.

²⁷⁴ However, as the name of the agreement suggested, it was only economic in nature – “Economic Agreement between the United States, the United Kingdom, and France Regarding the Saar”. Although it accepted the economic ties between France and the Saar, it did not recognise a change in political status of the Saar. The reason for the exclusively economic nature of the agreement was that it was not in the interest of the Western Allies to increase the East-West tensions at this critical stage of post-war German development, nor to create a precedent for other permanent border revisions, especially not in the Soviet zone of influence.

²⁷⁵ Winfried Schumacher, “Konrad Adenauer und die Saar”, in Hudemann and Poidevin, *Die Saar*, pp. 49-74, here p. 49.

German Saar Policy, 1949-1952

The two major political parties in Germany, the SPD and the CDU, rejected the separation of the Saar from Germany. The official response to French Saar policy, however, had to be restricted to protesting against the developments in the Saar because France had not yet recognised the German role in the conflict, let alone accepted the neighbouring country and former enemy as a partner in negotiations. Nevertheless, a policy to counter the French integration and assimilation attempts began to develop in the so-called *Friedensbüro*, a non-governmental organisation that had committed itself to achieve the return of the Saar. Its basis was in the state of Rhineland-Palatine and it was funded, after 1949, to a considerable degree from the Federal Ministry of All-German Affairs.

Despite the fact that the Saar government rejected co-operation with the German states, and after 1949 with the Federal Republic, German politicians up to the chancellor began to voice their opposition against a permanent separation of the Saar from Germany. Resistance began also to emerge in business circles from the Saar and Germany in late 1949. In this situation, the Western Allies adopted the position that nothing was final until a peace treaty with Germany had been signed, and urged France to act according to this position.

Even though Germany, at the time, had more pressing foreign political concerns than the Saar question,²⁷⁶ the German response to the increasing French efforts, and their success, to integrate the Saar more firmly into France in early 1950 came in the form of a memorandum on 10 March 1950. This memorandum stressed the provisional character of the current set-up and emphasised that the Saar was part of German territory in the borders of 31 December 1937, which had been confirmed in an Allied Declaration of 5 June 1945. The memorandum went on to insist that no alteration be made to these frontiers except in a peace treaty. The lack of a plebiscite to give the Saar population a chance to vote on their constitution was condemned, as were the conventions, which Germany considered to be designed to cast in concrete the

²⁷⁶ One was to achieve admission to the international Ruhr authority and to stop the Allies from continuing to dismantle German plants as part of their reparation demands.

separation of the Saar from Germany. Economically, the memorandum claimed that economic survival of the Saar was only possible if it was allowed to maintain its links with east and west. Concluding on a more optimistic note, Germany expressed confidence that there was a possibility to find a solution to the problem on a European level.²⁷⁷ With the official German recognition that there was a Saar question, the conflict became real and it became international. The Saar problem had turned into a territorial dispute between two states, a feature that distinguishes it clearly at this stage from the developments in Alsace and Northern Ireland. Only in the case of South Tyrol, there was a short period of time before the signing of the Paris Agreement when the conflict, fuelled by Austrian irredentism, took the shape of a territorial dispute between Italy and Austria.

The Continuation of French Integration Policy

In order to counter, and limit the consequences of, the obviously disadvantageous shift in the power balance, France pursued two strategies simultaneously. It denied Germany every say in relation to the Saar and undertook steps to base its relationship with the Saar on a safer legal ground by concluding a number of agreements with the Saar government. Both strategies were closely linked. To this effect, a number of conventions were signed between January 1948 and January 1949 demonstrating the commitment of the French government to detach the Saar further from Germany and to integrate it more firmly and more permanently into France.²⁷⁸ The means of this integration policy were very much assimilative in character. Thus, after the 1947

²⁷⁷ Bundesrepublik Deutschland, Bundesregierung (ed.), *Denkschrift der Bundesregierung zur Saarfrage* (Bonn: Bonner Universitätsbuchdruckerei, 1950).

²⁷⁸ The conventions between the Saar and France regulated fiscal and budgetary matters, the organisation of Saar jurisdiction, the protection of industrial rights in the Saar, and cultural affairs. The Agreement on the Fiscal and Budgetary Legislation of 13 January 1948, determined that the Saar budget be controlled by the French High Commissioner and that French commercial law and retail prices be adopted. The Convention on the Organisation of Jurisdiction, signed by both governments on 3 January 1948, aimed at the approximation of the Saar legal system to that of France. A privileged position for French trademarks, the introduction of French industrial legislation, and the extension of the jurisdiction of the French patent office into the Saar were regulated by the Convention on the Protection of Industrial Rights of 12 December 1948. Eventually, far-reaching consequences for the further development of German culture in the Saar were implied in the Cultural Agreement, which was signed on 12 January 1949. With respect to higher education, it established that the Saar university be jointly governed by *France and the Saar*, that university degrees be reciprocally recognised, and that French teaching staff be appointed in the Saar. In the school curricula of the Saar French became an obligatory subject from the second grade of primary school onwards. Furthermore, youth and sports organisations in the Saar were required to co-operate with their French

constitution had already laid the ground for a systematic erosion of Saar autonomy, the independent status of the Saar was now curtailed even more.

Part of the French integration policy was the handling of the citizenship issue. This was dealt with separately in the Law on Citizenship of 15 July 1948, which determined that all citizens of the Saar would automatically lose their German citizenship. People who chose not to take Saar citizenship would henceforth be treated as foreigners, including all German citizens resident in the Saar.²⁷⁹ The artificial creation of a Saar citizenship indicating ever more decisive steps towards severing the links between the Saar and Germany, which was still seen by the majority of the population in the Saar as their national homeland, was perceived as a threat to the traditionally strong German elements in Saar identity. Consequently, opposition in the Saar against French policy started to grow, an additional reason being the economic recovery and political stability in Germany which let reunification look like a more promising prospect. Although the economic situation in the Saar improved slightly during 1949, voices of opposition, still unorganised and scattered, remained. This was mainly because of the French political and economic domination of Saar affairs, in particular the disappointment over the handling of the monetary union at the end of 1947²⁸⁰ and the administration of the autonomy status as a whole.²⁸¹ The general French policy line was to make formal rather than substantive concessions. This became apparent in the way the Saar administration was run. The gradual withdrawal of French civil servants and administrative services and their subsequent substitution by native inhabitants of the Saar did not put an end to French domination because all public authorities were responsible to the High Commission.²⁸²

counterparts, which also represented them internationally. The High Commissioner controlled all broadcasting in the Saar. A scheme of cultural exchanges between the Saar and France was set up as well.

²⁷⁹ Per Fischer, *Die Saar zwischen Deutschland und Frankreich* (Frankfurt am Main: Metzner, 1959), p. 83.

²⁸⁰ After an initial consumption rush possible because of the favourable exchange rate, the monetary devaluation became apparent.

²⁸¹ Pohlmann, *Die Saarfrage*, pp. 86-88.

²⁸² This became apparent in the way the Saar administration was run. The gradual withdrawal of French civil servants and administrative services and their subsequent substitution by native inhabitants of the Saar did not put an end to French domination because all public authorities were responsible to the High Commission.

A further source of threats to the success of French policy was the beginning of the cold war. While European integration became increasingly important, it became increasingly incompatible with a French policy in the Saar that ran counter to German interests. In realising this, the French government adopted a new strategy aimed at a revision of the 1948/49 conventions in a new and more comprehensive set of treaties which would return full internal sovereignty to the Saar with only defence and foreign policy remaining in French hands.²⁸³

After the French Foreign Minister Schuman had visited Germany in January 1950 and the German chancellor Adenauer had brought up the Saar issue claiming the Saar as German territory and pushing for a trilateral agreement between Germany, France and the Saar, the French government saw the need to take action to strengthen its position in the Saar.²⁸⁴ Subsequent negotiations between the Saar and French governments took place in February and March 1950. The French proposals for a series of treaties were eventually accepted by the Saar government and ratified in the *Landtag* in April 1950. The framework of the ten conventions and agreements²⁸⁵ was set by the General Convention of 3 March 1950. It established that the Saar be autonomous in legislation, administration, and jurisdiction within the limits of its constitution and the treaties signed between France and the Saar. The more obvious the contradiction between the proclaimed status of, and the reality of life in, the Saar became to the population, the more the opposition against integration into France grew and the more attractive became the option of reunification with Germany. But this was a gradual process which would gain momentum only from 1954 onwards.

In the meantime, opposition against the new conventions formed on the ground that the Saar government was not seen as an independent authority, but merely as a willing instrument

²⁸³ Freymond, *The Saar Conflict*, p. 61.

²⁸⁴ Schumacher, *Konrad Adenauer*, pp. 49-50.

²⁸⁵ The ten conventions and agreements signed on 3 March 1950, were: Convention on the Establishment of the Nationalities of the Two Countries; Convention on the Implementation of the Economic Union between *France and the Saar*; Convention on the Saar Coal Mines; Convention on the Use of the Railways in the Saar; Convention on the Control of the Insurance Companies in the Saar; Agreement on Mutual Judicial Aid; Agreement on Inland Navigation; Agreement on the Regulation of Road Transport; Agreement on the Regulation of Pharmaceutical Interests; Agreement on the Weights and Measures and the Instruments of Measure; and the Social Agreement.

of the French government helping it to implement its Saar policy. The trade unions' resistance against these conventions negotiated between the Saar and French governments strengthened the opposition movement in the Saar. As part of the French effort to regulate the relationship of the Saar with other states, in particular with Germany, and to give it an internationally recognised independent status, the government proposed to admit the Saar to the Council of Europe and did indeed achieve associate membership for the Saar in 1949.²⁸⁶

Despite domestic crises and the loss of international credibility in relation to its involvement in the anti-colonial wars in North Africa and the Far East, France was still in the stronger position on the Saar question. The French state was physically present in the Saar and the 1950 conventions gave the relations between the Saar and France a legal status according to international law. In addition, the associate membership of the Saar in the Council of Europe could be interpreted as recognition of the Saar's status in Europe, including such recognition by Germany. After the ratification of the conventions in October and November 1950 in the French parliament and Senate, the French government made an attempt to reconcile its Saar and European policy by proposing to admit the Saar as a full member to the ECSC.²⁸⁷ With the growing opposition in the Saar and the gradual shaping of the German policy towards the Saar problem, the Saar government began to press harder for admission to the ECSC as well, but without success. Time was working in favour of Germany from 1950 onwards – the German position improved politically and economically which gave Germany greater influence and the means to formulate and implement a policy towards the Saar, while the status of the Saar remained provisional and a final settlement was subject to a peace treaty which prevented a consolidation of the French position in and towards the Saar.

A New Player Emerges: Europe

Increasingly, the issue of European integration began to dominate Franco-German relations, and thus began a period in which this integration process and the Saar conflict influenced, and

²⁸⁶ Fischer, *Die Saar*, p. 90.

became dependent upon, one another. While Germany recognised the need for Franco-German reconciliation and European integration, neither the government nor the opposition were willing to bow to French Saar policy. Backed by public opinion, which held that the Saar should not be sacrificed to European integration, Germany stressed that neither had it recognised the Saar government nor would it abandon its territorial claims to the Saar. The German position was supported by the renewing of ties between German and Saar industries and increasing co-operation between the *Industriellen-Verbände* from 1950 onwards.²⁸⁸ This was complemented by the launch of the *Saarbund* as the association of all emigrants from the Saar in the summer of 1951 with support from the Ministry of All-German Affairs. Both organisations reinforced existing ties of kinship at semi-official levels and strengthened those elements in the identity of the Saar population that were rooted in the commonality of descent with the population in the Federal Republic, in the same language and shared historical memories, i.e., that constituted the basis of the Saar's claim to be German. Apart from that, the German government was more reluctant to engage in a full-scale political and diplomatic conflict as it considered European integration to take higher priority in the Cold War climate of the early 1950s. That France took a similar position and focused its attention likewise on bringing about the ECSC did not mean that either Germany or France had abandoned their ultimate objectives with respect to the Saar. The eventual conflict had merely been postponed.

In the Saar itself, the European dimension was not at the top of the political agenda. The trade unions continued to protest against the implementation of the conventions, in particular because they were perceived as having a negative effect on the living conditions of the workers especially where a comparison with Germany was made. Thus, demands for social benefits and nationalist claims became linked ever closer. Simultaneously, the belief became manifest that social reforms to the benefit of the Saar were only possible if the French influence on Saar affairs was eliminated. The Catholic clergy, again taking a stance in political affairs, joined

²⁸⁷ Freymond, *The Saar Conflict*, p. 75.

²⁸⁸ *Ibid.*, p. 80.

these general protests denouncing the lack of a referendum on the implementation of the conventions. However, it was not until the end of 1950 that the opposition to French policy took a more organised form. The DPS adopted a clearly pro-German policy rejecting the idea of gaining greater autonomy within the existing or any other framework of European co-operation, but demanded the return of the Saar to Germany.²⁸⁹ The Saar government initially only restricted contacts and freedom of movement between the Saar and Germany but eventually banned the DPS on 21 May 1951, and ordered the seizure of its assets as a political party. This obvious curtailment of fundamental democratic rights and freedoms proved to be counter-productive in that it legitimised the policy and goals of the DPS and the opposition movement at large,²⁹⁰ gave Germany valuable political ammunition to attack the existing arrangement, and put the French and Saar governments in a difficult position in the Council of Europe and eventually more and more in the defensive over the Saar issue as a whole. Within the opposition movement, the trade unions began to play an increasingly important role as they were representing the social and economic interests of the Saar population against the still French-dominated policy of the Saar government. A central aspect of the trade unions' protests were the rising prices because of increasing inflation in France, which once again made the disadvantages of economic integration into France apparent. Other issues over which opposition formed and grew were the interference of the French High Commission in the Saar and the preferential treatment of French civil servants, the slowness of the administrative machinery, and the treatment of the Saar population as second class citizens. All of this reinforced an increasingly common perception in the Saar that its essential interests were better served in reunification with Germany. Similar to South Tyrol and Northern Ireland, and to a lesser degree also similar to inter-war Alsace, this process strengthened the ethnic aspects in Saar identity and

²⁸⁹ *Ibid.*, p. 86.

²⁹⁰ Within the opposition movement, the trade unions began to play an increasingly important role as they were representing the social and economic interests of the Saar population against the still French-dominated policy of the Saar government. A central aspect of the trade unions' protests were the rising prices because of increasing inflation in France, which once again made the disadvantages of economic integration into France apparent. Other issues over which opposition formed and grew were the interference from the French High Commission in the Saar and the preferential treatment of French civil servants, the slowness of the administrative machinery, and the treatment of the Saar population as second class citizens.

increasingly turned the relationship between the Saar population and the French (and Saar) government into one between an external minority and the more or less hostile government of its host-state. This process began to gain momentum and eventually served as a mobilisation force among the Saar population to demand reunification with Germany as the solution to its problems.

Nevertheless, French policy continued to aim at a status for the Saar according to which it would become an independent entity, economically integrated with France, but its foreign and defence political interests would be represented by a European authority. To achieve this aim, France suggested to include the Saar as a full member in the future European Defence Community (EDC) and European Political Community (EPC), pursuing a policy similar to the one which had sought to have the Saar admitted as a full member to the ECSC. This move was neither welcomed by the German government nor by the Saar opposition, but in the crucial final status of negotiations over the ECSC treaty, the German government took a cautious approach not to endanger the conclusion of the treaty. At the Paris conference of Foreign Ministers in April 1951, Germany made it clear that it was unwilling to make concessions on the Saar question and that the ratification of the treaty in Germany depended very much on the way in which the role of the Saar was presented, all the more since the opposition parties in the German parliament were even less willing to compromise over the Saar and because any such firm position had full backing in public opinion. The French government found itself in a weaker position. Public interest in the Saar question was only moderate in France and the support of the Western Allies for a French position that could potentially endanger European integration was not very enthusiastic.²⁹¹ Eventually, the two governments reached a compromise according to which the signing of the treaty would be accompanied by an exchange of letters in which France

²⁹¹ Ibid., p. 89.

and Germany would state their positions regarding the Saar and in which France would recognise that the German signature did not imply a German acceptance of the Saar status.²⁹²

Despite the compromise reached in Paris, the German government did not soften its demands with respect to the Saar, nor did France undertake any steps to include Germany in any effort to settle the issue. An official protest of the German chancellor to the Allied High Commission over the status of the Saar was formulated in May 1951. The answer of the Allies was disappointing for Germany – the government was told that German authority did not extend beyond its territorial boundaries.²⁹³ This was a clear sign that the USA and Britain were willing at least to tolerate French presence in the Saar and its political and economic detachment from Germany.

The Saar between France and Germany

During the summer of 1951, European issues dominated the political agenda in France and Germany again, this time in the form of the European Defence Community and German re-armament.

In the Saar, the banning of the DPS had not wiped out, but rather encouraged the opposition. By the end of 1951, the opposition had more regular contacts with Germany. Opposition also grew within the SPS, which became apparent in the break-up of the so far stable government coalition. After the banning of the DPS, the opposition movement in the Saar tried to organise itself in new parties before the next *Landtag* elections scheduled for autumn 1952. On 2 February 1952, the decision was made to form a CDU in the Saar, and at the beginning of March the same decision was made with respect to a Saar SPD. According to regulations on the conduct of political parties in the Saar, both had to apply for a license to the Saar ministry of the interior. No immediate decision was made and the issue was postponed until after the law

²⁹² The Saar government did not have any input on these negotiations as a government crisis sparked by the resignation of the two SPS ministers in the CVP-SPS coalition resulted in the entire government stepping down.

²⁹³ Schumacher, *Konrad Adenauer*, p. 53.

regulating political parties was passed by the Saar parliament in September 1952.²⁹⁴ Both parties were supported in their efforts to obtain a license by the *Saarbund*, the *Deutsche Aktion*, and the Ministry of All-German Affairs in Germany, and part of the Saar clergy, especially the Bishop of Trier, who came out in support of the CDU, and the trade unions, especially the miners, who supported the SPD. Although this strengthened the two potential new parties economically and psychologically, it did not increase their chances to obtain the necessary license before the next elections. This failure, however, was attributed to the anti-German attitude of the Saar and French governments and reinforced perceptions of the evolving conflict as based on competing claims of national belonging, i.e., on the incompatible desires of one part of the Saar population, backed by official and semi-official organisations in the Federal Republic, to achieve reunification with Germany, and another part of the population, represented by the then Saar government and supported by the French authorities, to preserve the *status quo*. Within less than three years and caused by a variety of different factors, the numerical and power balance between these two sections would alter fundamentally and bring about the reunification of the Saar with Germany.

At the same time, a new diplomatic battle opened between France and Germany when, on 25 January 1952, France abolished the Office of the High Commissioner in the Saar and established an embassy instead in an effort to increase the attractiveness of the current status of the Saar among the Saar population and to give the Saar a stronger international position. However, the move proved to be counter-productive – it led to a renewed escalation of the Franco-German conflict. Leaving the personnel in the new embassy mostly unchanged, the positive impact of this action on the Saar population was more than limited, and the German response harsh. An official protest was submitted in Paris, and Germany also sought to involve the British and American governments. In this situation and after some Anglo-American pressure, the French government made an important concession, accepting the necessity of

²⁹⁴ According to this law, a license was dependent on the party leaders agreeing to respect the constitution of the Saar and giving assurances that they were not part of an association with headquarters outside the Saar.

negotiations with Germany with the aim to achieve a permanent solution of the Saar conflict prior to a peace treaty.²⁹⁵ Eventually, France acknowledged Germany's role in the conflict and with it the fact that the Saar problem had not yet been permanently resolved. Similar to the developments in Northern Ireland and South Tyrol, this acknowledgement marked a major step towards more fruitful approaches to resolve the ensuing conflict, notwithstanding the fact that conditions in the Saar and in France and Germany and the international environment provided the opportunity for a much speedier settlement of the Saar conflict.

The Settlement of the Conflict

The last act in the Saar conflict was characterised by the increasing influence of the process of further European integration on the Saar question, and vice versa, on the international level, and by the decreasing importance of economic issues in the Saar for the development of the conflict and their increasing politicisation. The final stage began on 29 February 1952 when Germany announced in a letter to the Council of Europe that it was determined to bring the issue of the constant violation of basic democratic rights and freedoms in the Saar before the Council during its next session.

German-French Relations

The German demands for the revision of the Saar status were that the autonomy of the politically, economically, and culturally independent Saar be placed under the supervision of the Council of Europe, that Saarbrücken be the seat of the organs of the ECSC; that neither France nor Germany influence public opinion in the Saar; that the Saar population be given the opportunity to express its opinion freely in new elections to the *Landtag*; and that part of the Saar territory be incorporated into the Federal Republic.²⁹⁶ In the same memorandum, the German government accused the government of the Saar of violating basic democratic rights –

²⁹⁵ Schumacher, *Konrad Adenauer*, p. 53.

²⁹⁶ Freymond, *The Saar Conflict*, p. 110.

the right to personal freedom and security – and freedoms – the freedom of opinion and association.

Despite the fact that the demands Germany raised in this memorandum were unacceptable to France, the two governments agreed to set up a commission to analyse the election conditions in the Saar in which all three conflicting parties – France, Germany, and the Saar – should be represented. This agreement increased the status of the Saar government in the international arena. Thus, it was not surprising that the Saar government, which favoured the long-term objective of Europeanisation of the Saar, welcomed the set-up of this commission. In Germany and France, however, optimism was less widespread.

Domestic Sources of Saar Policy

In Germany, the SPD opposition rejected the agreement as a weakening of the German position because it formally recognised the Saar government as an independent player in what so far had been a territorial dispute between two states.²⁹⁷ The territorial dimension was the most significant for Germany at the time and concerns about it were shared by all major parties. If Germany agreed to a revision of its 1937 western borders, before the conclusion of a peace treaty, this might set an unwelcome precedent and weaken the German position in terms of the even more vital question of the eastern borders, a position that was remarkably similar to the German policy approach towards Alsace in the inter-war period. As this connection was all too obvious, the CDU-led government did not only come under pressure from the left, but also from the right, i.e., from the expellee associations. In this context, the German *Bundestag* passed a resolution on 23 April 1952, in which the members of parliament re-affirmed their position that the Saar remained part of German territory.²⁹⁸ Chancellor Adenauer came also under pressure from within the government, particularly from the Minister of All-German Affairs, Kaiser, who

²⁹⁷ Cf. the article by the then opposition leader Erich Ollenhauer in the *Frankfurter Allgemeine Zeitung* of 22 March 1952.

²⁹⁸ Cf. in greater detail, Fischer, *Die Saar*, p. 136f.

opposed the compromises made by the chancellor,²⁹⁹ and from the government of one of the federal states, namely Rhineland-Palatine under its Minister President Altmeier. The strongest asset of this so-called Kaiser-Altmeier circle was the dependence of the federal government upon the vote of the government of Rhineland-Palatine in the upper chamber of the German parliament. Although not opposed to the idea of European integration, the government of Rhineland-Palatine had a very different perception of the Saar question compared to the federal government. One of the reasons for this was that the state was the only one that had a direct border with the Saar and therefore suffered much more directly from French policy in the Saar. The most provocative example in this context were the border revisions of the Saar carried out by France at the territorial expense of Rhineland-Palatine between July 1946 and June 1947, in the course of which Rhineland-Palatine lost 102 communities with about 70,000 inhabitants.³⁰⁰

The situation of the French government was not much better. Here, the main concern was the economic loss which France would incur in case of a European settlement that did not preserve the economic union with the Saar. Although the French government made it clear that its objective was to keep the *status quo* with the exception that the responsibility for the Saar's foreign affairs would be transferred to a future European organisation, the French Council of the Republic insisted that no agreement be signed that implied a loosening, let alone cutting, of the existing economic ties between France and the Saar.³⁰¹

The Failure of Negotiations in 1952/53

Eventually, direct negotiations between France and Germany got under way in August 1952 in Paris after both the Allies and the Council of Ministers of the ECSC had urged the two governments to seek a bilateral solution of the Saar question. In contrast to the first rounds of the Austro-Italian negotiations after similar encouragement from the UN, these were initially more constructive, yet nevertheless they failed. The objectives of the two governments with

²⁹⁹ On the principal differences between Adenauer and Kaiser, cf. Kraus, *Die Saarfrage*, pp. 48-51.

³⁰⁰ Cf. Hans-Walter Hermann and Georg Wilhelm Sante, *Geschichte des Saarlandes* (Würzburg 1972), pp. 45-46.

³⁰¹ Freymond, *The Saar Conflict*, p. 114.

which they entered the negotiations were rather different.³⁰² Germany directed its efforts at achieving concessions from France which would have led to the creation of a more liberal, less tense atmosphere in the Saar, and suggested steps such as the permission to constitute new political parties, an end of French sequestration, and a postponement of the elections to give new political parties an opportunity to establish themselves. The French position, in contrast, was to enter immediately into negotiations about the conditions of Europeanisation. What the French government envisaged, however, was to modify rather than to abandon the existing Franco-Saar conventions to allow the continuation of the Franco-Saar economic, financial, and customs union. Naturally, Germany rejected the suggested economic status as incompatible with a Europeanisation of the Saar and insisted that a final settlement could not be concluded before a peace treaty.³⁰³ As no break-through was achieved in the negotiations and the Saar question became more and more a serious problem for European integration as a whole, the Consultative Assembly of the Council of Europe decided, on 18 September 1952, to form a sub-committee to look into the Saar conflict and make recommendations about a solution.³⁰⁴

After France and Germany had officially conceded the break-down of their negotiations at the end of October 1952 because of the incompatibility of their positions, the Saar *Landtag* passed an electoral law on 29 October setting the date of the elections for 30 November 1952. The pro-German opposition parties were not granted legalisation, which increased tensions within the Saar as well as between France and Germany. The outcome of the election saw a victory of the CVP and the SPS, which together won about sixty-four per cent of the vote and renewed their coalition government. However, as a sign of strong discontent with the situation in the Saar, the number of blank and invalid votes were 24.5% of the total vote cast, indicating a gradual shift away from the approval of the political and economic status of the Saar.

³⁰² A good account of the negotiations can be found in the article "Die Wahrheit über die Saarverhandlungen" (The Truth about the Saar Negotiations) which was published by the *Saarbrücker Zeitung* on 17 November 1952.

³⁰³ Schumacher, *Konrad Adenauer*, p. 56.

³⁰⁴ Other conflicts in which the Council of Europe tried mediate between the conflict parties were South Tyrol and Cyprus.

This interpretation of the election result had a considerable influence on the formulation of the German Saar policy until 1955. It consisted of two major strategies – the legalisation of opposition parties and the achieving of free elections before a referendum and the long-term orientation to regain the Saar in a permanent peace settlement after an interim period of European government of the Saar. The elections had shown that the influence of the pro-German parties was significant, but not yet strong enough to have taken over government responsibilities immediately, even if they had had the chance to do so. Their influence, therefore, had to be strengthened gradually. The sooner they were legalised and could begin campaigning for their cause and the later free elections to the Saar *Landtag* took place after that legalisation, the more likely a pro-German government could have been established in the Saar. At the same time, however, the German government saw the danger of the creation of an independent Saar state and realised that, to prevent such a development, it was necessary to diminish French influence in the Saar and to limit the extent of Saar self-government through subjecting the territory to a European status.³⁰⁵

On the international stage, the trend which had begun in 1950 continued. France was politically weakened by a sequence of unstable governments and foreign problems, such as in Indo-China, Tunisia, and Morocco,³⁰⁶ while Germany became economically stronger and politically even more stable when, in the elections to the *Bundestag* in 1953, the CDU won an absolute majority in parliament. In this situation, France slightly changed its tactics and demanded a European settlement of the Saar question as a pre-requisite for the ratification of the EDC treaty or of the Bonn agreements, thus playing its strongest card yet – a possible French veto to permanent German political and military re-integration into the West.

³⁰⁵ The purpose of both policies, of course, was the same, namely to avoid a situation in which the Saar population might come to like independence from both Germany and France. Cf. Schumacher, *Konrad Adenauer*, p. 61.

³⁰⁶ Judith Hüser, "Frankreich und die Abstimmung vom 23. Oktober 1955", in Hudemann and Poidevin, *Die Saar*, pp. 359-379, here p. 360.

The European Dimension in the Settlement Process

On 10 April 1953, the Saar government took an unprecedented initiative of its own and launched a six-point plan for the Europeanisation of the Saar, which was partly based on earlier proposals of a similar nature. The six points were that the Saar become a European territory and govern itself, that France hand over responsibility for the external affairs of the Saar to a High Authority prior to the formation of a European government, that the French embassy be replaced by a consulate holding the same rights as a German consulate, and that Franco-Saar economic union be preserved until a European economic union comes into force. The final decision on the Europeanisation of the Saar, however, was to be subject to the outcome of a plebiscite in the Saar.³⁰⁷

Despite this plan and the need to come to a settlement of the Saar question before further German integration into the West, the reopening of negotiations between France and Germany in May 1953 ended without a conclusion. This standstill can be explained by the assumptions both governments made about the relative strength of their positions. Germany was still assuming that time was working in its favour, not least because there was a general interest to integrate Germany politically and militarily in the Western alliance. France, while being pre-occupied with its foreign policy in North Africa and the Far East, also assumed that a delay in negotiations was a favourable option because this way time could be gained for a revision of the Franco-Saar conventions and thus a strengthening of the French position.³⁰⁸ Consequently, the French government proposed a number of changes to the existing set of conventions. These proposals included the creation of an arbitration authority to settle future disputes between the French and Saar governments; an end of the French right to veto decisions of the Saar government; a joint administration of the mines and of other economic and financial issues; a right of the Saar government to approve all international treaties affecting the Saar signed by France before they could be ratified and applied in the Saar; and the right of the Saar to open its

³⁰⁷ Cf. the summary of the plan in *Saarbrücker Zeitung*, 13 April 1953.

³⁰⁸ Freymond, *The Saar Conflict*, pp. 134-135.

own embassies and consulates in Paris and in the French overseas territories and to send its own staff to French embassies world-wide.³⁰⁹ Despite the fact that the negotiations were not as easy as usual for the French government, the revised conventions were close to the original proposals when they were signed on 20 May 1953. Once again, resistance did not only come from Germany and the Saar opposition, but the French government also encountered considerable resistance from Lorraine and Alsace, mostly because of economic anxieties based on the favourable status of the Saar economy between France and Germany with its special tax and customs laws at the detriment of Alsace and Lorraine.³¹⁰

In response to the new conventions, the German *Bundestag* unanimously passed a resolution stressing once again that it considered the Saar to be German territory. At the same time, the resolution gave the government a mandate to negotiate for the restoration of democratic freedoms in the Saar and for the return of the Saar to Germany.³¹¹ Although different in their scope, these motions of unanimous official support for an engagement of the German government to resolve the Saar problem, are similar to developments in Austria (where a cross-party consensus on a patron role over the South Tyrolese German-speakers had been achieved relatively early on in the conflict) and the Republic of Ireland (where, as late as 1990, a High Court decision declared Irish unification a constitutional imperative). This was missing from the French policy approach to Alsace and Lorraine during the *Reichsland* period and from German policy towards Alsace after 1945.

In an attempt to raise the international profile of the Saar question, the German federal government also made its opposition to the new Franco-Saar conventions known in an official protest note to the three Western Allied High Commissioners for Germany. A more decisive course of action, however, seemed inappropriate at the time, as the German government had to strike a difficult balance between its European and Saar policies.

³⁰⁹ Cf. Fischer, *Die Saar*, pp. 84-90.

³¹⁰ For greater details of the concerns voiced, cf. Freymond, *The Saar Conflict*, pp. 137-138.

³¹¹ *Verhandlungen des Deutschen Bundestages*, I.279/13931ff.

In the Saar itself opposition against the conventions came in its most organised form from the trade unions. A consequential attempt of the government to break trade union opposition failed. The dismissal of their leader only prompted trade Unionists to re-elect him, and the banning of the miners' trade union led to a broadening of the opposition movement as a whole. In addition, contacts between the opposition and Germany became increasingly sustained.³¹² French and Saar government policies, thus, facilitated the increasingly ethnic perception of the conflict, its sources, and potential solutions by an ever larger section of the Saar population.

In the second half of 1953, new Franco-German negotiations got under way. The main German strategy remained the achievement of democratic freedoms in the Saar and of equality between France and Germany in their economic relations with the Saar. These were, from the viewpoint of the German government, the two decisive conditions which would lead to a replacement of the current government by a pro-German one, at least in the long term. France accepted the German demand for democratic freedoms but insisted on a referendum before the new elections, in which only those parties would be allowed to participate which had accepted the statute approved in the prior referendum. Not expecting a victory of the pro-German parties in the elections, the German government agreed to such a regulation.³¹³ However, the major obstacle to an agreement between France and Germany was the sequence of Europeanisation and resolution of the Saar conflict. France continued to insist that a settlement of the Saar dispute had to precede any further steps towards European integration. Germany, however, did no longer accept this position. Instead, on 11 December 1953, the German chancellor made it clear to France that without the establishing of the EDC, the German government would not be prepared to make concessions on the Saar question, and that without further European integration there would be no German consent to a Europeanisation of the Saar. Inevitably, the

³¹² Freymond, *The Saar Conflict*, pp. 141-145.

³¹³ Schumacher, *Konrad Adenauer*, pp. 63.

November and December meetings between representatives of the French and German governments did not result in any significant progress being made.

Parallel to the renewed Franco-German attempt to come to a settlement, the Council of Europe's sub-committee on the Saar had begun its explorations, and on 26 April 1954 – the day when the fall of Dien Bien Phu marked a further weakening of the French position as a world power – its recommendations were published. The Saar was to become a European territory as soon as the European Political Community was constituted; until then an interim solution with a European commissioner, who was neither French or German nor from the Saar, was to be instituted. The common market between France and the Saar was to be preserved, while gradually similar relations between the Saar and Germany should be established. An agreement between France, Germany, and the Saar to preserve German culture and language in the Saar was to be signed. This status of the Saar was to be guaranteed by France, Germany, the United Kingdom, and the United States until the signing of a peace treaty. The implementation of this new status of the Saar would be the subject of a plebiscite in the Saar.³¹⁴

French opposition to the plan centred around the economic provisions of the plan and France presented its own proposal which modified several of the provisions of the plan suggested by the Council of Europe, but also made two important concessions – a European statute of the Saar would be drawn up between France and Germany only, with the Saar government merely in an advisory role, and the procedure of licensing political parties would be abandoned immediately.³¹⁵ Germany, however, accepted the original plan as basis for further discussions with France, but not the revised French proposals. On 30 April 1954 the *Bundestag* adopted a resolution reaffirming its unanimous position of 2 July 1953, that the Saar remained German territory and that the government was authorised to negotiate for Saar-German reunification. The Council of Europe plan was also favourably received by the Saar

³¹⁴ See Robert H. Schmidt, *Saarpolitik*, vol. 2, pp. 760-775. For the English version, cf. Council of Europe, Consultative Assembly (ed.), "The Future Position of the Saar", in *Council of Europe, Consultative Assembly, 6th Ordinary Session, First Part, May, 1954, Documents*, vol. II, doc. 225.

³¹⁵ Freymond, *The Saar Conflict*, p. 158.

government, which hoped to use it as an instrument to break free from the continuing French domination of its internal affairs. This domination was perceived as particularly harmful in economic terms as the need for a larger market, such as Germany, became increasingly evident.³¹⁶ Independence from French interference and enhanced economic opportunities in the framework of European integration were, thus, regarded as good 'selling points' by those sections within the Saar political elite who sought to preserve the continuation of a Saar status separate from Germany. By that time, however, the question of national belonging had become the primary concern of a vast majority of the population of the Saar.

Despite the differences between France and Germany on the plan, the two countries reached an agreement at the end of May according to which they would seek a solution of their dispute based on the proposed plan pending the conclusion of a final settlement in a peace treaty.³¹⁷

Table 11: Conditions Accounting for the Failure of French Integration Policy

- In France:
 - ❑ Failure to realise the strength of national allegiance to Germany
 - ❑ Policy problems in the French colonial empire that were a matter of greater urgency
 - ❑ Lack of resolve and resources to pursue integration against German and European/Western interests
 - ❑ Insufficiency of the economic means available to accomplish the political goal set out
 - ❑ Low public interest in the Saar issue and opposition to economic integration of the Saar from Alsace and Lorraine
- In Germany:
 - ❑ Economic recovery and political stability equally contributing to improved international standing of the country
 - ❑ Clear cross-party commitment to oppose the permanent French annexation of the Saar
 - ❑ Influential group of politicians from within the governing coalition and the opposition as well as of emigrants from the Saar lobbying for reunification and supporting like-minded political parties in the Saar
 - ❑ Preservation and restoration of social, economic, and gradually also political ties at official and semi-official levels with the Saar

³¹⁶ Freymond, *The Saar Conflict*, p. 161.

³¹⁷ Ibid., p. 165.

- In the Saar:
 - Dominance of the issue of national belonging
 - Rejection of French interference in supposedly autonomous Saar affairs
 - Saar government becoming increasingly discredited as 'bed-fellow' of the French government
 - Increasing tensions between pro-German and pro-French sections of the Saar population and between the pro-German sections and the French administration
 - Perception of pro-German parties as legitimate representatives of Saar interests
 - Economic attraction of West Germany
- International Context:
 - Pressure from the Western Allies and European partners on both countries to resolve their dispute

Reaching a Final Settlement: The Prerogative of Consolidating the Western Alliance

The Success of Negotiations in 1954

Although this agreement demonstrated the considerable progress made in the negotiations, the French foreign ministry and government did not approve of what their own minister had achieved and instead renewed the demand for an immediate and permanent European status of the Saar, which, of course, was rejected by Germany. In this situation, the Council of Europe sub-committee on the Saar worked out a new plan for the settlement of the Saar question. This plan consisted of two parts, the definition of a European status of the Saar and regulations governing the conduct of political parties in the Saar. Although it was passed by the General Affairs Committee, the Council of Europe itself left the plan unmentioned in its resolution of 25 May 1954, in which it only expressed its hope that bilateral negotiations between France and Germany may soon come to a conclusion.³¹⁸ However, after the proposals for the EDC and EPC were rejected in the French National Assembly on 30 August 1954, the idea to settle the conflict through the Europeanisation of the Saar territory had become pointless.³¹⁹

³¹⁸ Fischer, *Die Saar*, pp. 175-179.

³¹⁹ On the history of the original plan and the revised version, cf. Per Fischer, "Das Saarstatut des Europarats", in Hudemann and Poidevin, *Die Saar*, pp. 115-126.

Four weeks after the failure of the EDC, the Western Allies reached an agreement at their London conference to admit Germany and Italy to NATO and to restore (West) German sovereignty. This meant that in terms of the Saar question the *status quo ante* had been restored: German integration into the western alliance and the regaining of its sovereignty were still possible, as was a French veto, the execution of which was made dependent upon the prior settlement of the Saar question.

However, the French government manoeuvred itself into an increasingly difficult position. A government crisis in the Saar led to a split in the coalition government on 7 July 1954 over the new course of the Hoffmann government which saw closer co-operation with Germany as advantageous for the Saar.³²⁰ The French government tried to meet the subsequent weakening of French authority in the Saar with increased pressure on the Saar government through the French embassy, which heightened tensions between the French and Saar governments as well.

When France played its last trump card, the right to veto German entry to NATO and its right to deny Germany full sovereignty, an agreement was reached on 23 October 1954. In fourteen Articles the new statute³²¹ outlined the status of the Saar in the period until the conclusion of a peace treaty. The Europeanisation of the Saar would involve a commissioner overseeing the statute and representing foreign and defence interests of the Saar, the economic union with France would be maintained and a similar relationship with Germany would be developed, and a referendum would be held in the Saar to approve this new statute with the possibility of a second referendum over the final settlement of the Saar problem in a peace treaty.³²² This agreement was ratified in the French parliament on 23 December 1954, and in the Council of the Republic on 26 March 1955.

³²⁰ Kraus, *Die Saarfrage*, p. 61.

³²¹ The full version of the statute is reprinted in Robert H. Schmidt, *Saarpolitik 1945-57*, vol. 3, pp. 685ff.

³²² Freymond, *The Saar Conflict*, pp. 170-172. Cf. as well Fischer, *Die Saar*, pp. 191-193.; and Schumacher, *Konrad Adenauer*, p. 66.

The ratification of the statute agreement in the Federal Republic, in contrast, was a much more difficult process. The front of critics consisted of the SPD opposition and the CDU's coalition partner FDP and of the so-called Kaiser-Altmeier circle within the CDU. They had five major objections against the statute – the pressure France had exercised through its veto right on German west integration; the insufficient choice between *status quo* and statute that was offered to the Saar population in the referendum; the non-interference clause of the statute which disadvantaged Germany vis-à-vis France, which held all influential positions in the Saar; the permanent nature of the statute until the conclusion of a peace treaty; the implication of the regulations of the statute which made it more or less a permanent settlement of the Saar problem.³²³ Yet the opposition faced a dilemma. They could prevent the ratification of the Saar statute and hope for a better deal in re-negotiations, but would have to risk, at the same time, the failure of German integration into Nato and of the restoration of German sovereignty. Alternatively, to approve the Saar statute would be a *de facto* acknowledgement of the loss of the Saar, but would make German integration into the western alliance possible. Eventually the agreement was ratified in Germany in the *Bundestag* on 27 February 1955, in the *Bundesrat* on 18 March 1955. Finally, after the SPD had brought the matter before the German constitutional court, the latter ruled on 4 May 1955, that the agreement did not violate the Basic Law of the Federal Republic.

At a further Franco-German meeting on 14 January 1955, both governments jointly approached the Council of the WEU to appoint an international commission to observe the Saar referendum,³²⁴ and they agreed that all future differences be settled within the framework of the Western Alliance.

³²³ A more detailed summary of the criticisms can be found in Kraus, *Die Saarfrage*, pp. 82-83.

³²⁴ The commission consisted of one representative from each Belgium, Britain, Italy, the Netherlands, and Luxembourg. Its constituting meeting took place on 14 June 1955.

The Rejection of the Agreement by the Saar Population

On 3 May 1955, France and the Saar signed a convention on economic co-operation. This convention disadvantaged the Saar to a considerable degree, most of all because the French government had to approve all loans the Saar government wanted to take. Although the convention was not ratified in the Saar because the government had proposed to postpone this process until after the referendum, it confirmed the picture a majority of the Saar population had of the French government running Saar affairs and that of the Saar government as being the willing executioner of French interests in the Saar. This was all the more the case because important issues remained unresolved – the powers of the future European Commissioner for the Saar, the freedom of action of political parties, and the freedom of speech.³²⁵

While the Saar government disintegrated increasingly over the issue of independence from France, the opposition became more self-confident through the obvious backing from Germany. The DSP, the Saar CDU, and the Saar SPD pooled their resources and forces, in remarkable similarity to developments in Alsace in the late 1920s, in the *Deutscher Heimatbund*, the German Homeland League.³²⁶ The pro-German parties advised the Saar population to reject the statute in the referendum³²⁷ and tensions in the Saar increased over the next months. At rallies in Saarbrücken, St. Ingbert, and Neukirchen between 13 and 18 August 1955, clashes between no-campaigners and the police occurred, which resulted in 31 people injured, among them 18 policemen.

As attempts to split the front of opposition parties through a unification between CDU and CVP failed as well as attempts by both the French and German governments to postpone the referendum, the pro-German parties profited most from their ability to link the vote in the referendum with the political future of the CVP/SPS government. Still very much perceived as an instrument of the French state representing the economic and political interests of the latter in

³²⁵ Another unresolved issue was the future of the *Röchling Werke* that had been sequestrated by France. More detailed on this Freymond, *The Saar Conflict*, pp. 182-184. On the issue of the *Röchling-Werke*, cf. *ibid.*, pp. 184-189; and Kraus, *Die Saarfrage*, pp. 151-153.

³²⁶ Cf. Hüser, *Frankreich*, p. 376.

the Saar and discredited because of its repressive policies against the pro-German opposition,³²⁸ it was to a significant degree through the rejection of this government that the pro-German parties, with financial support from the Federal Ministry of All-German Affairs, managed to secure a sizeable majority of votes against the new statute.³²⁹ Propagated in their press organs,³³⁰ the other major argument of the pro-German parties against the new statute was built on the notion of national belonging – a no-vote would be directed against the French Saar policy and would clearly indicate a desire for a return to Germany and for establishing of democratic freedoms.³³¹

Difficulties for the pro-German parties arose from the fact that the German chancellor saw it as an imperative that the statute be approved in the referendum. On several occasions he spoke out in favour of a yes-vote because he assumed that a rejection of the new statute by the pro-German parties would make it impossible to implement his long-term strategy to recover the Saar for Germany, which was based on a newly elected *Landtag* with a strong pro-German component. If the pro-German parties spoke out against the statute, but a majority of the population approved it, then they might have been banned from participation in the elections. Similarly, a rejection of the statute by a majority of the Saar population would make it easier for the French government to maintain the *status quo*, again an outcome which would have been counter-productive from Adenauer's point of view.³³² However, pressure from within his own party, especially from the minister of all-German affairs, Kaiser, and from the state government of Rhineland-Palatine prevented Adenauer from issuing a joint statement with the French government calling for an approval of the statute.³³³ At the same time, the pro-statute parties

³²⁷ CDU-Saar (ed.), *Die CDU-Saar im Abstimmungskampf* (Saarlouis: Hausen, 1955), p. 50.

³²⁸ A general strike on 25 February 1955, had already indicated the degree of discontent of the population with the Hoffmann government. Cf. Kraus, *Die Saarfrage*, p. 147.

³²⁹ Cf. Jürgen Hannig, "Separatisten – Nationalisten?" in Hudemann and Poidevin, *Die Saar*, pp. 381-396, here pp. 386-390. On the question of financial support, cf. Schumacher, *Konrad Adenauer*, p. 67.

³³⁰ Opposition newspapers were published legally from the end of July onwards: the *Neueste Nachrichten* of the CDU on 26 July, the *Deutsche Saar* of the DPS on 28 July, and the *Saarbrücker Allgemeine Zeitung* of the Saar SPD on 13 August.

³³¹ Cf. Kraus, *Die Saarfrage*, p. 167.

³³² Schumacher, *Konrad Adenauer*, pp. 72-73.

³³³ *Ibid.*, p. 74.

CVP and SPS suffered from the perception of their coalition government, from the unwillingness of the French government to intervene in any way in the pre-referendum campaign,³³⁴ from the uncertain future that many of the people living in the Saar foresaw because of the domestic political instability and foreign political decline of France, from the incompatibility of the political aim (namely the integration of the Saar into the French polity) and the purely economic instruments (an economic, monetary and customs union) available to achieve it, and from the national and political allegiance of most Saar citizens to Germany rather than to the still vague idea of supra-national political structures in Europe.³³⁵ Through the continuation of its policy of repression, the Saar government also contributed significantly to its own downfall.³³⁶ The arguments with which the CVP and SPS nevertheless managed to win a share of the vote were mainly four: voting 'yes' meant voting against German nationalism, but for Europe, for the economic advantages of the statute, and for the course of the Hoffmann government for an independent Saar.³³⁷

The date of the plebiscite was set by the Saar *Landtag* for 23 October 1955 after the Council of the WEU had approved the according referendum law, which annulled the 1952 law on the licensing of political parties and established that all parties would be free to operate as of 23 July 1955. The referendum resulted in a sixty-seven per cent rejection of the statute which was a clear sign of the desire of the Saar population to be German and to belong to Germany. This rejection of the Saar statute jointly proposed by the French and German governments marks the failure of a second attempt to resolve the Saar conflict, after the French integration policy had been similarly unsuccessful. The reasons for this failure are summarised in the table below.

³³⁴ Cf. Htiser, *Frankreich*, p. 374.

³³⁵ Hannig, *Separatisten*, pp. 391-392. Hannig sees the issue of national allegiance to Germany as the most important among the factors accounting for the no-vote in the referendum. Cf. *ibid.*, p. 395.

³³⁶ In the middle of April a scandal of illegally tapped telephones emerged. Cf. Kraus, *Die Saarfrage*, p. 153.

³³⁷ *Ibid.*, p. 167.

Table 12: Conditions Accounting for the Failure of the Saar Statute Proposal

- In France:
 - Policy of keeping the Saar economically dependent on France through a variety of conventions and the perception of this in the Saar as undue interference and in contradiction of the proposed statute
 - Pressure on the French government from Alsace and Lorraine not to progress with economic integration
 - General incompatibility of economic means with political objectives
- In Germany:
 - Influential group of politicians from within the governing coalition and the opposition as well as of emigrants from the Saar lobbying for reunification and supporting like-minded political parties in the Saar
 - Disunity within the German government over the Saar issue
 - Pressure exercised by the state government of Rhineland-Palatine
 - Lack of resolve on part of the Federal Chancellor to come out in support of the Saar Statute
- In the Saar:
 - Predominance of the issue of national belonging
 - Skilful tactics of the pro-German parties to style the referendum into a vote over the future of the discredited Saar government
 - Recognition of the economic advantages of integration with Germany
 - Underdeveloped understanding of the concept of European integration
- International Context
 - Pressure was for *a* resolution of the conflict, rather than for *this* particular settlement

Implementing the Referendum Result: The Saar Returns to Germany

As a consequence of the rejection of proposed Saar statute, the Saar government immediately resigned and a provisional one had to be formed to take care of Saar affairs until after new elections. France and Germany, on the other hand, assured one another that the outcome of the referendum would not threaten their relationship.

The elections following the referendum on 18 December 1955, saw an overwhelming victory of the pro-German parties and the formation of a pro-German coalition government of the former opposition parties on 2 January 1956. Even though the 1955 elections returned seven political parties to the Saar *Landtag*, they stood at the beginning of the streamlining of the Saar

party system according to that of West Germany at the time, which is obvious from the following figure, detailing party representation in the Saar *Landtag* from 1947 to 1970.³³⁸

On Jan 31, 1956, the new *Landtag* voted in favour of a resolution³³⁹ which declared an end to Saar separation from Germany and the wish to integrate the Saar politically and economically into the Federal Republic.³⁴⁰

France, accepting the political consequences of the referendum, demanded compensation for the inevitable economic losses it would suffer. These matters were settled in bilateral talks between March and the end of May 1956. Eventually, on 5 June 1956, a general agreement on the Franco-German treaties – a conglomerate of five separate agreements – was reached between the two heads of government at a meeting in Luxembourg. The treaties were ratified simultaneously in the German *Bundestag* and the French National Assembly on 27 October 1956. According to a joint Franco-German proposal, the Council of the WEU set up an international court which could be approached by anyone from the Saar who felt discriminated because of his attitude towards, and vote in, the referendum.³⁴¹

The international obstacles to reunification with Germany being removed, the Saar *Landtag* was able to make the necessary changes to the Saar constitution³⁴² and to pass a law according to which the Saar would access the Federal Republic of Germany according to Article 23 of the German Basic Law.³⁴³ As of 1 January 1957, the Saar became part of the Federal Republic of Germany. Until 1959, interim regulations were in force according to which the

³³⁸ The unification between CDU and CVP was in 1959. The SVP was founded after the unification of CVP and CDU by those who did oppose this move. After 1960, it only managed in the 1965 elections to overcome the five per cent threshold (5.2%; 2 seats). After that it became an insignificant political factor. The SPD in the Saar was legalised as DSP (German Social Democratic Party) on 27 July 1955. The name was changed to SPD on 19 November 1955. The dissolution of the SPS was decided on 18 March 1956. Abbreviations: CDU – Christian Democratic Union; CVP – Christian People's Party; SVP – Saar People's Party; SPD – Social Democratic Party of Germany; SPS – Social Democratic Party of the Saar; FDP – Liberal Democratic Party of Germany; DPS – Democratic Party of the Saar.

³³⁹ The resolution was only rejected by two Communist members of the parliament. Cf. Fischer, *Die Saar*, p. 229.

³⁴⁰ Cf. *Bulletin der Bundesregierung*, 1956, p. 188.

³⁴¹ The court was dissolved in 1959.

³⁴² Forty-three articles of the Saar constitution were affected, among them all those which had provided the framework for the special post-war relationship with France, all references to the international statute, and a Saar citizenship. Others affected were art. 62 on the Saar flag and Saar colours, art. 95 on the death penalty, and art. 60 on the legal status of the Saar. The latter article has been changed again in 1979 and 1993 to account for the progress in European integration.

application of German law was limited, French customs and monetary regulations were kept in operation and the French Franc remained a valid currency. In addition to a number of economic competences which were left with the French authorities in this interim period, France also continued to represent the Saar in international negotiations until 1959. Difficulties in the economic and political integration process of the Saar into the Federal Republic of Germany were gradually overcome by the early 1960s.

Subsequently, a prediction made by the two foreign ministers on the occasion of the signing of the Luxembourg treaties became true. The two governments saw the solution of the Saar question as an 'essential precondition for the strengthening of the free world and for the future of Europe' and committed themselves to 'even stronger joint efforts for the creation of a new Europe.'³⁴⁴

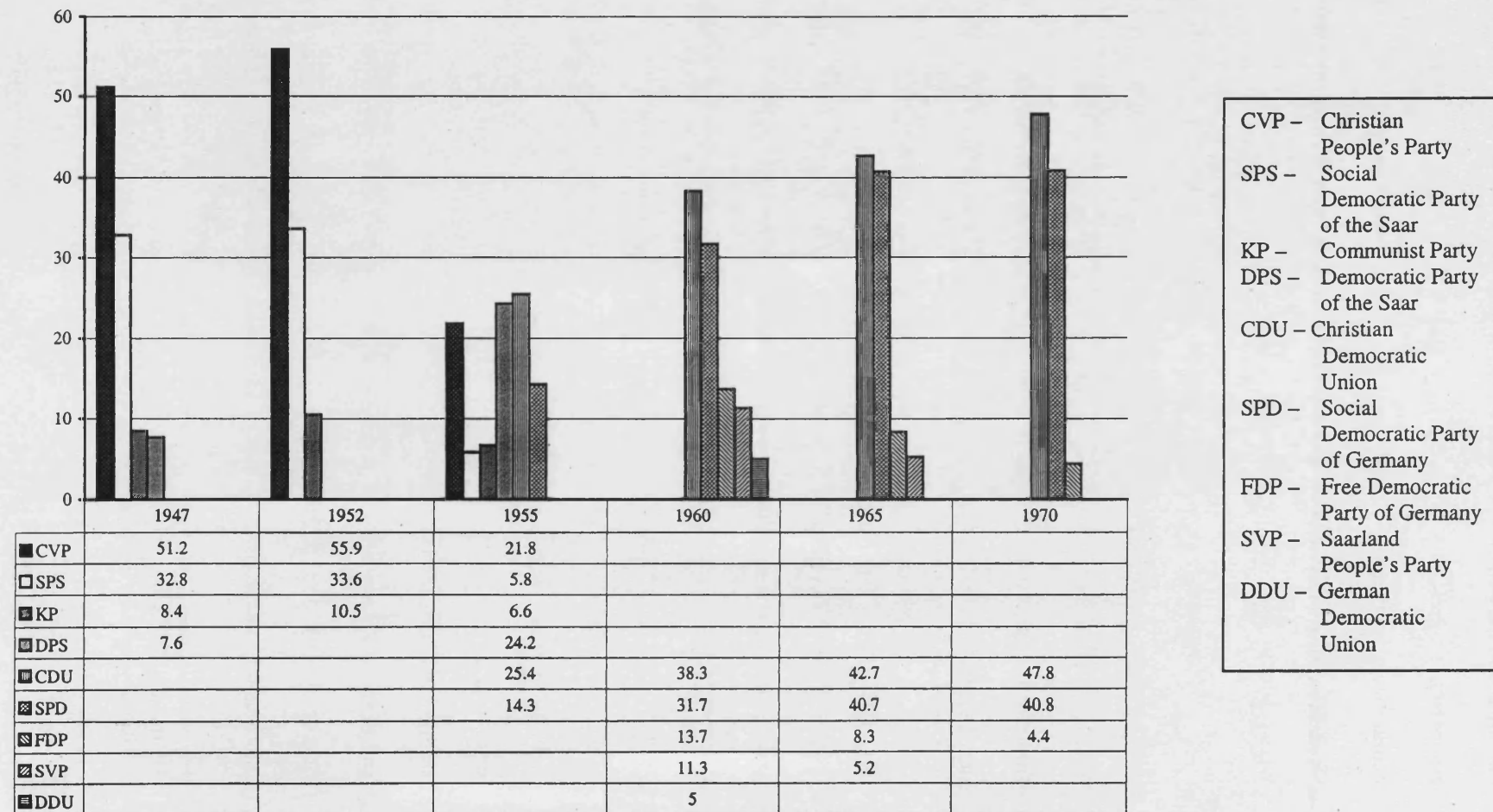
Summary: The Success of Saar Secessionism

The conflict over the Saar was primarily a bilateral territorial conflict between France and Germany. The conditions under which it developed and was eventually resolved were determined by a variety of factors. The origin of the Saar conflict lay in the international arrangements made by the Allies for Germany between 1945 and 1947/48 and the consequences of these arrangements. The relative economic and political strength of the two countries, the stability of their governments, and the goals and policies they pursued with respect to the Saar were three among a number of factors that were significant for the outcome of the conflict. In addition, the situation in the Saar itself was of great importance because both the Western Allies and France and Germany had committed themselves to subject any settlement reached over the Saar to a referendum. All three sets of factors – the international situation, the Franco-German relationship, and the situation in the Saar – mutually influenced one another.

³⁴³ This meant that with the day of accession the Basic Law would be in force in the Saar.

³⁴⁴ *Bulletin des Presse- und Informationsamtes der Bundesregierung*, 30 October 1956, no. 205, p. 1962.

Figure 2: Elections to the Saar Landtag, 1947-1970 (PR)



The settlement of the conflict began in 1952, when negotiations between France and Germany, although initially unsuccessful, began. After a number of setbacks, the two governments reached a settlement, which was to be subjected to a referendum in the Saar, as would be any final settlement in a future peace treaty. The rejection of this statute by the Saar population and the subsequent election of a *Landtag* with a pro-German majority paved the way for a return of the Saar to Germany.

This outcome was, at the time, rather unexpected. In retrospect, however, it can be explained in the context of the developments in the Saar after 1945. First of all, France had failed to realise the strength of Saar national allegiance to Germany that was increased rather than decreased through the policy of integration and domination pursued by successive French governments. In addition, France was pre-occupied with its emerging colonial problems and weakened by unstable governments through most of the time of the conflict, which made the prospect of 'belonging' to France rather than Germany less tempting for the population. Furthermore, the international constellation forced France to take an ambivalent position towards the Saar – it had to achieve a political aim (namely the integration of the Saar into the French polity) with purely economic instruments (an economic, monetary and customs union).

In the Saar itself, the continuing French presence and interference in Saar affairs, the increasing economic attraction of West Germany, and the suppression of the pro-German political opposition created a situation in which the goal of social, economic, political, and national opposition forces was essentially the same – reunification with Germany to address the specific problem which had caused them to oppose the *status quo* and/or its revision within a European framework. The political controversy about the Saar issue was conducted for the most part without violence. Although it was a political conflict about national belonging, the conflict was not between two ethnic groups. The Saar population at the time was almost entirely of German origin so that reunification with Germany did not transform one minority problem into another one. The minority dimension of the conflict was at no point a prominent one in the Saar. At certain times, however, the creation of a minority situation was very much in the range of

French policy goals. Even in any of the European schemes proposed no minority situation would have evolved. The primary issue at stake was at all times whether or not the Saar population should be allowed to determine its political future by itself. That self-determination did not lead to the acceptance by the Saar population of a special international regime had to do with the attraction of the Federal Republic, primarily in economic terms, and with a lack of regional particularist identity. The Saar, as an artificial territorial construct, did not have a common political or cultural tradition. The links to the bishoprics of Trier and Speyer, to the Rhineland, the Palatine, to Prussia or Bavaria, and thus to Germany proper or at least the German cultural space, were stronger than to France, or the yet vague idea of Europe.

The decision of the French government not to resist the outcome of the referendum or obstruct the move of the Saar towards reunification with the Federal Republic must be seen in the context of the acknowledgement that Franco-German reconciliation and European integration were more important goals, of the fact that French public opinion in general was not very interested in the Saar and in particular in Alsace and Lorraine even favoured an end of the existing regime, and of the arrangements made between the two states to compensate France for its economic losses and to put interim regulations in force that would allow for a smooth transition period.

Table 13: Conditions Accounting for the Successful Secession of the Saar

- In France:
 - Failure to realise the strength of national allegiance to Germany
 - Policy problems in the French colonial empire that were a matter of greater urgency
 - Lack of resolve and resources to pursue integration against German and European/Western interests
 - Insufficiency of the economic means available to accomplish the political goal set out
 - Low public interest in the Saar issue and opposition to economic integration of the Saar from Alsace and Lorraine
 - Acceptance of the referendum vote and co-operation with Germany on facilitating the transition in sovereignty
- In Germany:
 - Economic recovery and political stability equally contributing to improved international standing of the country
 - Clear cross-party commitment to oppose the permanent French annexation of the Saar
 - Influential group of politicians from within the governing coalition and the opposition as well as of emigrants from the Saar lobbying for reunification and supporting like-minded political parties in the Saar
 - Preservation and restoration of social, economic, and gradually also political ties at official and semi-official levels with the Saar
 - Accommodation of French interests in the unification process and allowing for a lengthy transition period with interim regulations
- In the Saar:
 - Dominance of the issue of national belonging
 - Rejection of French interference in supposedly autonomous Saar affairs
 - Saar government becomes increasingly discredited as 'bed-fellow' of the French government
 - Perception of pro-German parties as legitimate representatives of Saar interests
 - Economic attraction of West Germany
 - Non-violent conflict
 - Rejection of the proposed settlement by a large majority of the population and simultaneous election of an overwhelmingly pro-German *Landtag*
 - Interim regulations guaranteeing a smooth transition period
- International Context:
 - Franco-German reconciliation
 - European and Nato integration prioritised by both countries
 - Pressure from the Western Allies and European partners on both countries to resolve their dispute

VI. South Tyrol

Chronology of Key Events

South Tyrol

500 AD	Settlement of Germanic tribes (Bavarians) alongside resident Langobards begins.
13 th century	Tyrol becomes a unified political entity.
1363	The county Tyrol comes under the sovereignty of the House of Habsburg.
1805-1813	Napoleonic occupation and partition of Tyrol.
1809-1810	Unsuccessful Tyrolean rebellion under Andreas Hofer (tried and executed in 1810).
1914-1918	First World War.
1915	Secret treaty between Italy and the <i>Entente</i> : Italy is promised a border revision as price for its entry into the war on the side of the <i>Entente</i> .
1919	Partition of Tyrol at the Brenner: the northern part remains with Austria, the southern part becomes part of Italy.
1922-1943	Fascist dictatorship of Benito Mussolini: South Tyrol is subjected to aggressive assimilation policies, rapid industrialisation, and large-scale Italian immigration.
1919-1933	The German foreign office and private organisations support the cultural resistance in South Tyrol.
1933	Hitler rises to power in Germany and formally renounces all claims to South Tyrol. An alliance with Mussolini is forged later on.
1938	German annexation of Austria.
1939	Option agreement between Hitler and Mussolini: South Tyrolean Germans can migrate to the German Reich or remain in South Tyrol and become Italianised.
1943-1945	German troops occupy South Tyrol. South Tyrolean backlash at Italians. South Tyrolean opposing Nazification are arrested and sent to concentration camps.
1945	The German armed forces surrender to the Italian resistance movement and advancing allied troops.
1945	Foundation of the South Tyrol People's Party (SVP), a catch-all party representing South Tyrolean Germans' interests.
1946	Italian Peace Treaty leaves the 1919 borders of Italy unchanged.
1946	After Austria fails to obtain Allied concessions in terms of a full or partial return of South Tyrol, the Gruber-DeGasperi Agreement (Paris Agreement) is signed which provides autonomy for South Tyrol. The agreement becomes part of the Italian Peace Treaty.
1948	First Autonomy Statute: South Tyrol becomes part of the region Trentino-Alto Adige, in which Italians are a majority.
1948-1960	Autonomy regulations and their implementation fall short of South Tyrolean expectations. Tensions between the South Tyrolean Germans and the regional and central governments rise. First terrorist attacks.
1955	Austria achieves full sovereignty through the State Treaty. It has to acknowledge the Italian Peace treaty and the borders set out in it.
1957	Rally at Sigmundskron: 35,000 South Tyrolean demonstrate for their separate autonomy independent of the Italian-dominated province of Trentino.
1960-1961	After the failure of bilateral negotiations between Austria and Italy, the Austrian government approaches the General Assembly of the UN in 1960 and 1961 and obtains two resolutions in which both governments are asked to settle their dispute in negotiations.
June-July 1961	Wave of terrorist attacks in South Tyrol, carried out by the Committee for the Liberation of South Tyrol (BAS).
July-August 1961	The Italian government arrests most of the terrorists. Right-wing extremists from Germany and Austria assume control over the BAS and conduct, until the late 1960s, a guerrilla-style campaign against representatives of the Italian state in South Tyrol.
September 1961	The Italian government appoints the Commission of Nineteen (11 Italians, 7 German-speaking South Tyrolean, 1 Ladin-speaking South Tyrolean) to examine the South Tyrol problem and make recommendations.
April 1964	The commission presents its final report.
April-December 1964	Austro-Italian negotiations achieve an agreement over the points that had remained open in the commission's report. This settlement is not accepted by the German-speaking South Tyrolean. Negotiations between Italy and Austria and between Italy and the SVP resume.
1969	A package solution is agreed between all three parties. It contains a set of measures aimed at an improvement of the situation in South Tyrol and an operational calendar according to which these measures are to be implemented.
1972	The new Autonomy Statute for South Tyrol passes all parliamentary hurdles. It gives South Tyrol a very strong political position, decreases the powers of the regional and central government, and provides safeguards for the Italian minority in South Tyrol.
1972-1992	The new Autonomy Statute is implemented.
1980s	A new wave of terrorist attacks with an unclear political background occurs.
1992	The dispute between Italy and Austria is formally settled.
1994	Tensions between the centre-right government under Silvio Berlusconi and the South Tyrolean government over budget cuts proposed by the Italian council of ministers. The Italian parliament rejects these cuts.
1995	Austria becomes member of the European Union. Cross-border co-operation between Austrian North Tyrol and the Italian region Trentino-South Tyrol is increased within the newly created European region Tyrol.
1996	The newly elected centre-left government in Italy pursues a pro-autonomy policy and encourages the inner-Italian debate on a federalisation of the country.

Italy is home to fourteen linguistic minorities, whose speakers make up seven per cent of the total population. Several of these languages are spoken by autochthonous minorities, others were absorbed from neighbouring European language areas. The Italian constitution and simple legislation protect linguistic minorities, and a number of them have been granted special rights through regional and provincial autonomy regulations giving them the status of official languages alongside Italian in their areas. Although Italy, according to the constitution, formally became a decentralised state after 1945, it took consecutive Italian governments until the late 1970s to implement appropriate laws to establish the regions and provinces and their respective assemblies. Five of the nineteen regions – those which host ethno-linguistic minorities or have special geographic conditions – have been granted special autonomy status with wider legislative and administrative powers. In the tradition of a centralist state, however, the government in Rome has managed to retain considerable powers to interfere with regional affairs. A debate about constitutional reform towards a federalised state is still ongoing, as are separatist political movements in the north (Lega Nord, Lega Lombarda) and on Sardinia.

In the case of South Tyrol – a mountainous, trilingual area in northern Italy with significant water power resources where speakers of German are in a two-third majority over about thirty per cent Italians and four per cent Ladins – the special autonomy statute grants wide-ranging legislative and administrative powers to the province and the influence of the central government has been reduced in some crucial areas. The constitutional status of the province is very similar to that of a state in a federal country, allowing for the free and protected development of the German-speaking minority. The particular political set-up of regional and provincial institutions in the 1972 autonomy statute has done away with previous power imbalances to the disadvantage of the German ethnic group and has, in fact, made it more or less a politically and culturally dominant local majority. The way there, however, was complicated and full of, partly violent, conflict.

Historical Background³⁴⁵

South Tyrolese History until 1919

In the sixth and seventh centuries, Bavarian tribes began to settle alongside Romans in the cisalpine part of today's Tyrol. A linguistic frontier developed at the Gorge of Salorno, which is roughly identical with the present provincial border between South Tyrol and Trentino, between the German and Langobardian languages until the replacement of the latter by Italian in the eleventh century.³⁴⁶ Since then, and until 1919, neither part of Tyrol had ever been part of Italy culturally, economically, or politically.³⁴⁷ In 1363, the County Tyrol, because of a lack of heirs, came under the sovereignty of the House of Habsburg and remained part of the empire until 1919 with a brief interruption in the early nineteenth century. Despite a number of victories which the House of Habsburg won against the Republic of Venice in the fifteenth century, German expansion to the south did not progress farther than Salorno. Simultaneously, Italian immigration to the border county Trentino, which had begun as early as the fourteenth century, continued and affected in particular the urban centres: Italian cultural influence extended as far north as Bolzano. After Napoleon had defeated the Andreas Hofer uprising in 1809, he partitioned Tyrol into three parts to be occupied by France, Italy, and Bavaria, respectively. Austrian troops took possession of the territory in 1814, and Emperor Francis I, under the influence of Prince Metternich, united the Trentino region with Tyrol and made it a crown province. This was confirmed by the Congress of Vienna.³⁴⁸

³⁴⁵ Comprehensive accounts of Tyrolese and South Tyrolese history can be found, among others, in Karl Mittermaier, *Südtirol. Geschichte, Politik und Gesellschaft* (Vienna: Österreichischer Bundesverlag, 1986); John Cole and Eric R. Wolf, *The Hidden Frontier* (New York and London: Academic Press, 1974); and Antony E. Alcock, *The History of the South Tyrol Question* (London: Michael Joseph, 1970).

³⁴⁶ Cf. Werner Wolf, *Südtirol in Österreich. Die Südtirolfrage in der österreichischen Diskussion von 1945 bis 1969* (Würzburg: Holzner Verlag, 1972), p. 1.

³⁴⁷ In 1254, for the first time a *dominium comitis Tyrolis* (territory under the rule of the counts of Tyrol) was mentioned, which, from 1271 onwards, was referred to as *comitatus Tyrolis* (county Tyrol). Cf. Franz Huter, "Die politische Entwicklung bis 1918", in Huter, Franz, *Südtirol. Eine Frage des europäischen Gewissens* (Vienna: Verlag für Geschichte und Politik, 1965), pp. 121-132, here p. 125; and cf. also Wolf, *Südtirol in Österreich*, p. 1.

³⁴⁸ Cf. Huter, *Die politische Entwicklung*, p. 127 and Alcock, *The South Tyrol Question*, p. 9.

The German Romantic movement with its ideology of national self-determination shaped both pan-German aspirations and the Italian *Risorgimento*.³⁴⁹ They were bound to conflict in and over South Tyrol as they were following two diametrically opposed nationalist strategies – unification and secession/irredentism.³⁵⁰ While German historians argued for the Tyrol as a historical, political, cultural and geographic unit between the defiles of the rivers Adige and Inn,³⁵¹ the last years of the *Risorgimento* saw a campaign for the Italian-Austrian border to be located at the Brenner, relying on ancient Greek historians such as Polybius, who had called the Brenner Italy's natural protective wall in the north.³⁵² Towards the end of the century, however, nationalist tensions increased. Cultural associations were founded by each ethnic community which aimed at protecting and strengthening respective cultures while simultaneously trying to decrease the influence of the respective other.³⁵³ Italy's situation improved considerably with respect to its irredentist claim to the Brenner border after the beginning of the First World War. Originally a member of the Triple Alliance with Germany and Austria, the country refused to enter the war on grounds of military unpreparedness and a population divided over the issue of whether or not to join the war, and rather entered into negotiations with the Entente. As a result of these, a treaty was signed on 26 April, 1915, according to which Italy was granted the whole of cisalpine Tyrol if it entered the war at the side of the Entente.³⁵⁴ The Treaty of St. Germain of 1919 in its Article 36 (i), divided the historical Tyrol into the transalpine Tyrol, which remained part of Austria, and the cisalpine Tyrol, which became part of the Republic of Italy. Similar to assurances given to Alsatians by

³⁴⁹ On the liberal and universalist dimensions of *Risorgimento* nationalism, see Andrew Vincent in "Liberal Nationalism: an Irresponsible Compound?", in *Political Studies* 45(1997)2, pp. 275-295, here pp. 277-278.

³⁵⁰ The distinction between unificatory and secessionist nationalism has been made, for example, by Vincent, *Liberal Nationalism*, p. 275. Orridge argues along similar lines in A. W. Orridge, "Separatist and Autonomist Nationalisms: The Structure of Regional Loyalties in the Modern State", in Williams, Colin H. (ed.), *National Separatism* (Cardiff: University of Wales Press, 1982), pp. 43-74, here p. 44.

³⁵¹ Alcock, *The South Tyrol Question*, p. 12.

³⁵² This view, however, did not find widespread support outside limited circles of intellectuals: the delegates of Trentino to the Frankfurt National Assembly in 1848 merely demanded the gorge of Salorno as the border. Cf. Mittermaier, *Südtirol*, p. 66f. Italians within South Tyrol proper, i.e., the territory north of the gorge, had as their objective some degree of autonomy rather than secession from the Austro-Hungarian Empire. Cf. Cole and Wolf, *The Hidden Frontier*, p. 51.

³⁵³ For a more detailed account, see Cole and Wolf, *The Hidden Frontier*, p. 52-54 and Alcock, *The South Tyrol Question*, p. 12-17.

the French government at the end of the First World War, a note accompanying the treaty stated that "the Italian Government intended to adopt a very liberal policy towards its new subjects of German race as regards their language, culture and economic interests."³⁵⁵

From Autonomy Promises to Resettlement: South Tyrol, 1919 and 1946

The Treaty of St. Germain in 1919 was signed by a democratic government, whose representatives gave further assurances for the well-being of the German and Ladin-speaking minorities. For a brief period of time thereafter it seemed as if both minorities could become politically integrated into the Italian polity.³⁵⁶

South Tyrolese policy, between 1919 and 1922, had two major objectives – to achieve an autonomy wide enough and powerful enough to "maintain the specific German ethnic character of the region" and not to renounce the right to self-determination.³⁵⁷ The insistence on the right to self-determination and the strong backing that it received among the German-speaking population was underlined by a 1921 referendum organised, without official approval, by the South Tyrolese themselves in which annexation to Germany was overwhelmingly approved. The result of this referendum, however, was vetoed by the Allies.³⁵⁸

A programme of rapid Italianisation was introduced immediately after the fascist take-over of 29 October 1922. This programme extended into three main areas: culture, the economy, and the political and administrative sectors and aimed at the systematic destruction of the linguistic, religious, and demographic foundations of the ethnic German identity of the German-speaking South Tyrolese population.³⁵⁹ Italian became the official language in public life, including the law courts (with the exception of a small number of civil cases with both parties being German), and a compulsory language in schools. The use of German was prohibited; all

³⁵⁴ Ibid., p. 18.

³⁵⁵ Ibid., p. 24.

³⁵⁶ Cf. Cole and Wolf, *The Hidden Frontier*, p. 54.

³⁵⁷ Cf. Alcock, *The South Tyrol Question*, p. 27ff.

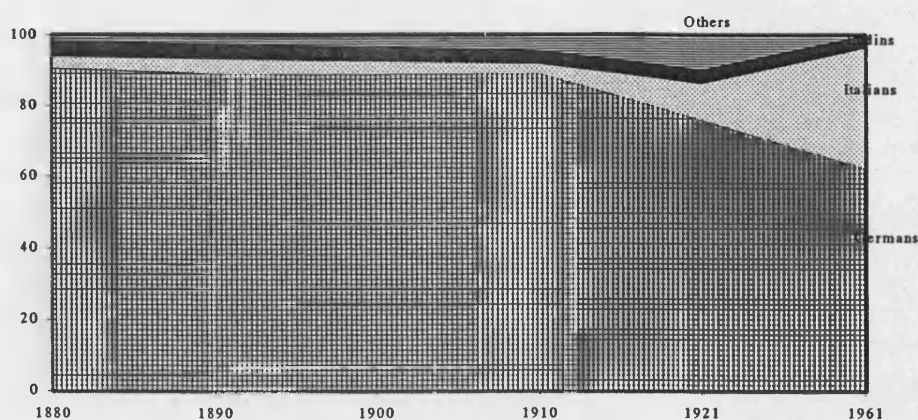
³⁵⁸ Cf. Cole and Wolf, *The Hidden Frontier*, p. 54.

³⁵⁹ The programme is described more detailed in Cole and Wolf, *The Hidden Frontier*, p. 55ff. and in Alcock, *The South Tyrol Question*, pp. 33-45.

communities received Italian names; all public inscriptions in German, including those on tombstones, had to be removed and replaced with the Italianised version. Similarly, family names were Italianised. With regard to religion, the lighting of the Heart of Jesus fires was prohibited, an essential ritual and symbol of the traditional Tyrolese devotion to the Sacred Heart of Jesus, officially recognised as early as 1796. This cult symbolically underlines the self-perceived role of the Tyrolese as a chosen people, which becomes manifest in the postulate of a special 'covenant' between them and Christ. This concept has remained a central and vital part of Tyrolese identity (both north and south of the Brenner). The annual lighting of the so-called Heart of Jesus fires on the mountain tops on the third Friday after Pentecost has ever since remained a symbol of Tyrolese ethnic identity and political unity, and was used in 1961 as the setting for the first major outburst of terrorism.

Economic measures to destroy the conditions in which South Tyrolese identity had developed over the centuries included the abrogation, in 1929, of the ancient Tyrolese legislation guaranteeing impartibility of inheritance in land; and the forced sell-off by German land owners of their land to Italians. Massive industrialisation which began in 1924 encouraged an enormous influx of Italians to South Tyrol, as is apparent from the following chart. The alteration of the demographic balance of South Tyrol was a crucial element in the Italianisation policy of the Fascists. By the South Tyrolese, immigration has ever since been perceived as a state-administered attempt to change the ethnic character of their traditionally German homeland, and to gain control over immigration has been one of the persistent demands of South Tyrolese politicians after 1946. In connection with the immigration policies of the 1920s, a comprehensive land appropriation began in 1926 to acquire the necessary space for industrialisation, housing projects, and the regulation of the Adige and Isarco rivers.

Figure 3: Demographic Developments in South Tyrol, 1880-1961



In the political and administrative sectors, South Tyrol was initially incorporated into the larger region of Venezia Tridentina, but soon afterwards it was given separate status as the province of Bolzano and placed under the direct control of Rome. The elected local government system was replaced by a provincial prefect, who was appointed by Rome and chose mayors and communal secretaries. Traditionally independent small communities were integrated into larger administrative units. Most German-speaking South Tyrolean officials were either dismissed from their offices or sent to other parts of Italy and replaced by Italians. The police and security forces in the area were reinforced, and German speakers excluded from them, as part of a set of measures according to which South Tyrol was declared a military zone of primary importance in which the army had extensive powers. A law of 1937 gave the Italian authorities the power to expropriate land for the settlement of Italian peasants; in 1939, these powers were extended to urban property. Italy justified Italianisation partly by emphasising that the Brenner border had not received the same official guarantees as other pan-German borders in the Treaty of Locarno in 1925.³⁶⁰

³⁶⁰ This implicit classification of borders was perceived as a considerable threat to Italy's territorial integrity and sovereignty which, alongside increased activities of pan-German organisations in South Tyrol, added to the feeling that South Tyrol would be one of the most vulnerable points of Italy in case of another war.

In contrast to the developments in Alsace after 1919, opposition to assimilation did not only come from the German South Tyrolese themselves, but also from Austria. In contrast to the loss of other territories, Austria had never accepted that of South Tyrol, mainly for two reasons. One was the feeling of betrayal by the former ally Italy who was now, in contradiction of the Wilson principles, rewarded for this betrayal; the other was the retention of North Tyrol under the sovereignty of Austria, an area inhabited by the same population who successfully exercised pressure on Austrian foreign policy. Austrian resistance to the separation of South Tyrol, however, weakened under the pressures of international developments. Successive Austrian chancellors recognised the importance of an alliance with Italy against German annexation plans and acted accordingly. In 1928 chancellor Seipel declared that South Tyrol was an internal Italian affair, and in 1930 a friendship treaty was signed between Italy and Austria.

South Tyrolese opposition to the Italianisation programme was initially and primarily cultural; it was political only through the implications of cultural resistance. With official political representation of the German-speaking population abolished, the rural clergy, in particular, and in great similarity to developments in Alsace in the 1920s and 1930s, the lower ranks, became an essential part of opposition to ethnic extinction – they continued to assert their right to deliver sermons in German and played a major part in the preservation of the German language as the South Tyrolese mother tongue through the organisation of clandestine ‘catacomb’ schools and through clerical newspapers, recognising that the preservation of German as the native language of South Tyrolese of German descent was an essential element in the effort to maintain a community identity and a sense of solidarity among the oppressed South Tyrolese. A further aspect of South Tyrolese resistance was the hope that many South Tyrolese had invested in the leader of the National Socialist German Workers’ Party, Adolf Hitler, and his pan-German aspirations. However, in the light of political developments in Italy and the importance of the country as an ally for Germany, Hitler made it very clear that he was not willing to sacrifice his global interests for the fate of 300,000 German-speaking South

Tyrolese.³⁶¹ In an attempt to solve the South Tyrol question, the so-called *Option* was designed. In 1939, the German-speaking population in South Tyrol had to choose between remaining in Italy and being subjected to further Italianisation or to opt for relocation to the German Reich. Of the 267,265 German-speaking South Tyrolese eligible for participation 43,626 abstained. Of the 223,639 participants in the plebiscite, 183,365 voted to leave and 38,274 to stay.³⁶²

While Hitler tried to get rid of an obstacle to a lasting political and military alliance with Italy, the Italian rationale for the *Option* was slightly more complex. Italy aimed at a partial resettlement of only 60,000 to 80,000 South Tyrolese – among them about 10,000 so-called *Reichsdeutsche* who were suspected of spearheading the South Tyrolese resistance against Italianisation, as well as the valley farmers and the urban craftsmen and intelligentsia, who were thought to be easily replaceable by Italian immigrants. This way, the Italians hoped, the economic prosperity of South Tyrol could be maintained and the remaining South Tyrolese, now in a minority position in the province, could be more easily and successfully subjected to Italianisation. The Italian efforts to prevent a massive exodus of the South Tyrolese agricultural work force, especially of mountain farmers, in addition to the unfavourable resettlement conditions in the German *Reich*, resulted in a much lower percentage of South Tyrolese actually leaving than had opted for resettlement. The reason for this must also be seen in the traditionally strong bonds between the South Tyrolese, especially the mountain farmers, and their native soil. For many, this bond was, and still is, a non-negotiable part of their identity. Thus, it is not surprising that of all those who opted for Germany, only about 70,000, or, less than forty per cent, actually left. The difference between urban and rural segments of the population becomes apparent from the following figures: sixty-seven per cent of all optants employed in handicraft and manufacturing left South Tyrol as part of the resettlement programme, but only nine per

³⁶¹ Alfons Gruber in his *Südtirol unter dem Faschismus* (Bozen: Athesia, 1974, p.171) gives the following 1922 quote from Hitler: "Germany has to join forces with Italy, which experiences a time of national rebirth and has a great future ahead of itself. In order to accomplish this, a clear and final renunciation of all claims to South Tyrol is necessary."

³⁶² Figures from Cole and Wolf, *The Hidden Frontier*, p. 57. Slightly different figures are given in Alcock, *The South Tyrol Question*, p. 45ff.

cent of all those working in the agricultural sector.³⁶³ This difference between urban and rural ethnic Germans in South Tyrol is partly rooted in differences in their ethnic identity, or, more precisely, in differences as to what they feel are the essential components of their identity, and as such it is not unlike similar processes in Alsace or Northern Ireland, where this has manifested itself at certain periods even in the party-political system.³⁶⁴ For the urban population, and to some extent also for the valley farmers, ethnic identity was a more cultural notion, manifesting itself primarily in language and life style, and, due to the regular contact with Italians, had been more often challenged and undergone gradual change. The identity of the rural population segment, especially of the mountain farmers, has been much more based on their special brand of Catholicism, on their devotion to their native soil, and to the traditionally hard life they lived. While singular events in South Tyrolean history, such as the Andreas Hofer uprising in 1809, and traditional values, such as loyalty to Tyrol as a historic unit, are equally important for both the urban and the rural population, the preparedness to defend the foundations of their identity has always been greater among the rural sections of German-speaking South Tyrolean.

On 3 September 1943 Italy offered unconditional surrender to the Allies. The German response was swift: North and Central Italy were overrun by German troops and one week later divided into zones of operations. South Tyrol became the operational zone *Alpenvorland* with a committed irredentist South Tyrolean, Franz Hofer, as High Commissioner. South Tyrolean were conscripted into various security forces and committed numerous atrocities against the civilian population and members of the Italian resistance movement. The German-speaking rural and urban population, after the treatment they had received from the Italian fascists for two decades, viewed the Germans as liberators and feared that an Allied victory with Italy on the side of the Allies would not see the return of South Tyrol to Austria, or the creation of an

³⁶³ See Alcock, *The South Tyrol Question*, p. 45ff.

³⁶⁴ The DUP in Northern Ireland, for example, tended to have, and to some extent still has, its stronghold among the Presbyterian rural population. In Alsace, for example, the so-called protest movement of the *Reichsland* period had its stronghold among the rural Catholic population, and one of the keys to the partial success of the particularist movement in the inter-war period was its backing by the lower ranks of the rural clergy.

independent Tyrolean state north and south of the Brenner. So they did not give any support to the Italian resistance movement. The German troops in North Italy surrendered on 29 April 1945 without major fighting. Two years of German rule in Northern Italy, however, had increased inter-ethnic tensions and laid the ground for many of the post-war developments. Alcock points to five major factors in this context. First, the interruption of the continuity of government from Rome set a precedent which demonstrated that the positions of governed and governing could change which renewed hopes among the German-speaking population for a general and permanent change in the status of South Tyrol. Second, already during the German occupation, the opportunity of emigration to Germany, as set out under the *Option* agreement, had not been taken up anymore, and clandestine returns to South Tyrol increased despite the threat of *Gestapo* persecution, and continued after the end of the war despite the unresolved status of the optants. Third, ethnic Italians in South Tyrol began to fear that wide-ranging autonomy rights for the German population after the war could lead to a return of the kind of administration similar to that of the Nazis between 1943 and 1945. Fourth, the influence of Nazi ideology on South Tyrolese encouraged their feeling of superiority over the Italian population. And lastly, the German occupation of parts of Italy in 1943 strengthened Italian fears that despite any possible forthcoming post-war assurances, a tendency towards annexation would continue to exist which would fuel South Tyrolean irredentist aspirations.³⁶⁵

Escalation of the Conflict after 1945

The Paris Agreement of 1946

The International and Bilateral Context

The general post-war situation in Europe and the constellation of the allied and associated powers were the two major factors determining the allied position vis-à-vis South Tyrol.³⁶⁶

³⁶⁵ Cf. Alcock, *The South Tyrol Question*, pp. 60-77.

³⁶⁶ At a 1986 conference in Trento on the 40th Anniversary of the Paris Agreement, the South Tyrol policy of the Allies was also related to the broader question of how best to contain Germany – through a strong Austria (i.e., returning South Tyrol) or through a strong Italy (i.e., through leaving the border at the Brenner). Personal communication from Antony Alcock.

Their approach to the border question between Italy and Austria was not based on concern for the protection of minority rights, but on strategic considerations about political influence in Europe. The predominant goal was to achieve a pro-Western attitude in Italy, which was unlikely to be realised if the peace treaty with Italy included too hard conditions. A return of South Tyrol to Austria was considered to be a hard economic blow for Italy and likely to advance communist support.³⁶⁷ In general, the Western Allies saw better chances for the establishment of pro-Western and democratic government in Italy than in Austria, and therefore decided to support Italy's argument to leave the border at the Brenner.³⁶⁸

The main Italian objective after the end of the Second World War was to maintain its border with Austria at the Brenner. The arguments that had been used during and after World War One to achieve the border change were now reiterated and supported by new ones.³⁶⁹ On the basis of the economic development after 1919, the Italian government could prove convincingly that the development, even the further existence, of its industrial areas in Northern Italy was severely in danger without the water power generation stations in South Tyrol, an argument which fitted the Western Powers' concern about the economic situation in Italy and the threat of a communist take-over. Similarly effective was the claim that, by opting for Germany, the overwhelming majority of German-speaking South Tyrolese had demonstrated their allegiance to national socialism. To grant them the right to self-determination was unthinkable not only from an Italian point of view. The Italian delegation made it also clear that no Italian government would sign a peace treaty that meant the secession of South Tyrol. That was a prospect which ran counter to the intentions of the Western Allies to integrate Italy into

³⁶⁷ All guarantees promised by the Austrian government for economic co-operation and the protection of the Italian population in South Tyrol were considered worthless as long as the country remained under Soviet occupation.

³⁶⁸ However, the British political leadership of the time was divided. Churchill, then leader of the opposition, stated in the House of Commons on 5 June 1946 that he did not know a single case in all of Europe where the Atlantic Charter could have been more easily applied as in the case of South Tyrol and wondered why it was not possible to conduct a referendum under the supervision of the Great Powers. Similarly, Ernest Bevin, Foreign Secretary in the post-war Labour government, admitted that Britain had not been happy with the fact that about 200,000 German-speaking people had to be left with Italy, but that efforts had been made to ensure Italian guarantees for their protection as a minority. Cf. Wolfgang v. Welsperg, *Südtirol. Kampf um Recht und Volkstum* (Hamburg: Hutten, 1962), pp. 226-227.

³⁶⁹ These new arguments by Italy are explored in greater detail in Rolf Steininger, *Los von Rom? Die Südtirolfrage 1945/46 und das Gruber-DeGasperi-Abkommen* (Innsbruck: Haymon, 1987), p. 174ff.

the Western world. Exploiting the western fear of communism, the Italian delegation argued that the Brenner was the symbol for Italy's northern defence line against Germany, and a loss of this border would be a severe psychological shock easily exploitable by the communists.³⁷⁰ Thus, Italy's arguments were perfectly in line with the positions of the Allies, and out-flanked Austrian claims based on ethnic ties and minority rights by offering autonomy for South Tyrol within the Italian polity.³⁷¹

Four main points were made by Austria to back its claim for a return of South Tyrol:³⁷² the importance of South Tyrol for the national consciousness of the Austrians; an expected improvement of the economic balance; the restoration of the communication and transportation unity of Austria; and the political stabilisation of the country through the return of an old Austrian peasant population with a deeply democratic conviction. In addition to this, the Austrian delegation in Paris tried to counter Italian arguments, by pointing out that the technical development of modern weapons rendered territorial frontiers pointless; that autonomy alone would not provide a solution to the area's political and economic problems and that South Tyrol would remain a potential source of political unrest within Italy; that South Tyrol was an economic unit for whose agricultural produce of fruit and vine there was no demand in Italy; that, if Austria was to be blamed for its participation in the Nazis' war, it should also be remembered that Italy had been an ally of Germany in Abyssinia, Spain, Albania, and Greece; and finally that it was against all statements of the Allies before the end of the war, that a wrong, such as the one against South Tyrol after 1919, should be maintained after 1945.³⁷³ At the same time, guarantees were given for economic co-operation with Italy to ensure supply of energy to its Northern industrial areas³⁷⁴ and for the protection of the Italian-speaking population remaining in South Tyrol. In this, Austria's official approach, and even more so

³⁷⁰ Cf. *Ibid.*, p. 57.

³⁷¹ Cf. *Ibid.*, p. 37-38.

³⁷² Cf. *Ibid.*, p. 59.

³⁷³ Alcock, *The South Tyrol Question*, pp. 99-100.

³⁷⁴ Cf. Wolf, *Südtirol in Österreich*, p. 2. According to Wolf, part of the Austrian proposals was also that the water power generation stations should remain the property of Italy. Cf. *ibid.*, p. 161-162.

public opinion, were influenced by old anti-Italian sentiments based on the Italian 'betrayal' in 1915 and on the brutal Italianisation policy under Mussolini. However, Austria did not succeed. Gradual changes in its negotiation strategy occurred only after the Allies had made the definite decision not to change the Brenner border on 24 June 1946.³⁷⁵ The policy of maximum demands had three effects on the further developments: first, it diminished the chances of achieving greater Italian concessions on favourable autonomy regulations; second, it encouraged the South Tyrolese People's Party (SVP) not to engage in any negotiations or co-operation on autonomy-related issues with the Italian authorities; and third, it strengthened Italian fears that Austria would not put to rest its claims to South Tyrol and thus to an alteration of the Brenner border. From the end of August 1946 onwards and in recognition of the impossibility of achieving a return of South Tyrol, Austria pursued three aims. In a bilateral agreement with Italy, the solution of two issues was sought – the return of the about 70,000 optants to South Tyrol and free access to the communication and transport routes of South Tyrol formerly linking parts of Austria. Autonomy regulations for the German-speaking minority and their international guarantee were to be brought about by including an autonomy statute in the Italian peace treaty.³⁷⁶ Eventually, the search for an effective and mutually acceptable mechanism to protect the German-speaking minority became the guiding principle for both Italy and Austria.

Both governments had to accommodate a number of different concerns. Austria found itself under a variety of pressures, of which the following were the most significant. There was the need for good relations with Italy to solve the optants and transportation problems; there was also the need for reasonable demands not to put off the Allied and Associated Powers, whose support was needed to include the any Austro-Italian agreement in the Italian Peace

³⁷⁵ On this day the Allied Council of Foreign Ministers rejected Austria's final suggestion of returning at least one part of South Tyrol, the Puster valley, and thereby upheld a former decision of 1 May 1946. Cf. Steininger, *Los von Rom*, pp. 63-64; and Alcock, *The History of the South Tyrol Question*, pp. 81ff.

³⁷⁶ This strategy had the following rationale – by committing Italy according to international law, the South Tyrolese would gain international guarantees for a fair administration of the future autonomy regulations, while Austria would retain the right for itself to become active in the South Tyrol question at any given time should that be necessary. Cf. Steininger, *Los von Rom*, pp. 88-89, 114, 142.

Treaty; and finally, there was domestic pressure to achieve as good as possible a solution for their fellow countrymen in South Tyrol. This latter point in particular also highlights the differences between Alsace and the Saar. While there was no public or official outcry over French policy in Alsace after 1945, the opposite was true for the Saar. With respect to Northern Ireland, the situation is more complex and has changed several times since partition. Noteworthy, however, is the fact that the violent re-escalation of the conflict in the 1960s also marks the point from which on there is more sustained Irish interest in Northern Irish matters.

The Italian policy had to consider a number of different yet equally important issues. First of all, the border with Austria was not the only one that could be subjected to change – there were disputes with Yugoslavia (over Trieste) and with France (over the Val d'Aosta). Furthermore, there were other unresolved minority issues and secessionist claims that, after having been repressed under Mussolini, were re-emerging as, for example, in Sicily. Thus, too many concessions, as appropriate and advantageous as they may have seemed for South Tyrol, could set an unwelcome precedent for other potential conflicts. On the other hand, recognising the South Tyrolese as a minority in an internationally backed agreement had one considerable advantage – according to then prevalent international law such a recognition of minority status was dependent upon the loyalty of the respective group of people.³⁷⁷

The purpose of the Paris Agreement of 1946 was “to safeguard the ethnic character and the cultural and economic development of the German-speaking element.”³⁷⁸ The areas of validity of the agreement were defined as personal, territorial, and substantial.³⁷⁹ Referring to ‘German-speaking citizens’ as well as to the ‘German-speaking element,’ the agreement covered all German-speaking citizens in the province of Bolzano and in the neighbouring bilingual townships of the Province of Trentino. The substantial guarantees given in the Paris Agreement extended to the complete equality of rights with the Italian-speaking inhabitants.

³⁷⁷ Cf. Felix Ermacora, “Südtirol als Rechtsproblem in nationaler und internationaler Sicht”, in Huter, *Südtirol*, pp. 426-473, here p. 444.

³⁷⁸ Quoted in Miehsler, *Das Gruber-DeGasperi-Abkommen*, here p. 397-398.

³⁷⁹ For a more detailed elaboration, cf. Miehsler, *Das Gruber-DeGasperi-Abkommen*, pp. 399-400, 401, 412.

The central weakness of the agreement was that it was drafted in the tradition of minority treaties after World War One, that is, it provided for minority protection only through rights granted to individual members of the group, in this case the German-speaking inhabitants of South Tyrol. The fundamental question that remained unanswered was: "What would happen if the equality of rights granted to the individual were not sufficient to preserve the separate economic and cultural development of the minority against the stronger assimilating forces of the majority?"³⁸⁰

Inter-Community Relations

Ethnic relations³⁸¹ in South Tyrol between the German-speaking population majority and the Italian minority were in part determined by the experience of more than two decades of fascism and almost two years of German occupation. The degree of alienation between the two population groups in 1945/46 was significant and mutual suspicions about the objectives of the respective other group were strong.

The South Tyrolean People's Party (SVP) was founded on 17 May 1945. It was recognised by the Allied Occupation Forces and its membership had grown to around 50,000 by 21 September, 1945. Although being the dominating party among the German-speaking population in South Tyrol, it was not the only one. Apart from the vast Christian-conservative majority of the German ethnic group who found their political home in the SVP, there was also a smaller number of left-wingers who were initially represented by the Social Democratic Party of South Tyrol, a section of the Italian Socialist Party (PSI). It was only after the provincial elections in 1948, when the party received only 804 votes, that the project of a second German party was abandoned.³⁸² Since then, and until the late sixties, early seventies, the SVP successfully managed to remain the only German party in South Tyrol, and even with the emergence of other ethnic German parties, it has managed to command impressive majorities of

³⁸⁰ Alcock, *The South Tyrol Question*, p. 190.

³⁸¹ While the following is only an overview, a detailed account can be found in Alcock, *The South Tyrol Question*, pp. 81-109.

the electorate. This is a unique situation within the range of conflicts analysed here, as in all other cases there is intra-ethnic party plurality.

The Allies also gave permission for the publication of a daily and a weekly paper, the *Dolomiten* and the *Volksbote*. The first issue of the *Dolomiten* on 19 May 1945, contained the SVP's three point programme concerning its policy with respect to the status of the German population in South Tyrol. The party, firmly rooted in the traditional self-conception of the German-speaking South Tyrolese as an ethnic group distinct from the Italian population in South Tyrol and beyond in a variety of aspects, declared its objectives as the achievement of cultural, linguistic, and economic rights for the German-speaking population; the securing of peace and order in the province; and the advancing of the South Tyrolese claim to self-determination. Although nothing specific was said about a return to Austria, the mentioning of the right to self-determination was enough to prompt an immediate Italian response in which the SVP was accused of separatist, and therefore anti-Italian, goals. This Italian response, on the other hand, confirmed many fears among the South Tyrolese that their chances to preserve, develop, and express their identity within an Italian, rather than Austrian, state would be severely limited. Thus, mutual perceptions and partial misconceptions of the respectively other's agenda hinted to the continuation of the decades-old ethnic conflict rather than to its speedy and satisfactory solution.

On 31 May 1945 an agreement was reached between the SVP and the Provincial National Liberation Committee (CLN) in which both sides accepted that co-operation was necessary, and that it was the interest of all people living in South Tyrol "to refrain from demonstrations or speeches likely to disturb ethnic relations, to refrain from hindering the free development of new political organisations if these were undertaken on democratic lines, and to establish a mixed commission to carry out a quick and systematic purge in the Province of Nazis, fascists, and collaborators." The latter was carried out rather effectively under the authority of the Allies and the Italian prefect for the province. In order to cover the now vacant

³⁸² Cf. Mittermaier, *Südtirol*, p. 70.

posts in the administration, a massive influx of Italians occurred which re-ignited Germans fears about continuing Italianisation of South Tyrol. In the light of the new wave of Italian immigration, Germans became even more frustrated with the slow progress the Italian government made in the rebuilding of the province, while the Italians generally felt very little sympathy towards the Germans who, in their eyes, had been actively supporting the criminal cause of Nazi Germany.

Another contentious issue was the remigration of those who had opted for Germany in 1939. The official Italian opinion stressed that, while other German minorities were expelled to Germany, with Allied approval, from the former so-called Eastern territories of Germany in the Baltic, Poland and Czechoslovakia, or deported from these and other settlement areas in Central and Eastern Europe to labour camps in the Soviet Union, it was hard to justify that the optants of 1939 should now be able to return to South Tyrol to the detriment of Italian interests.³⁸³ However, a resolution of the optants question for the South Tyrolese was inevitably connected to the preservation of the ethnic character of South Tyrol which seemed impossible without the remigration of those who had left after 1939.

Apart from the more favourable party-political structure among the German-speaking South Tyrolese, there was another significant difference between them and the Italian population. The South Tyrolese had been living in the province for centuries and developed their own customs and traditions and their distinct identity. The basis upon which this distinctiveness of the German-speaking South Tyrolese vis-à-vis the Italian population in the province was claimed was manifold. There were, first of all, the cultural characteristics of language and religion. While the linguistic differences between the two ethnic groups are obvious, the religious dissimilarities are less apparent, yet equally deep-rooted in customs and traditions. Both the Italian and the German-speaking population in the province are Catholic, but the devotion of the German-speaking South Tyrolese to the Heart of Jesus cult gives their religiosity a distinct note that forms an important part of their identity and claim to separateness.

Second, these cultural characteristics were, and still are, reinforced by economic divisions, in particular in terms of employment, with a majority of the Germans being employed in the agricultural sector, in small business, and tourism, while Italians mostly are working in the industrial and public sectors. In addition to this, there is, third, a certain pattern of residential distinctiveness, the Italians living in more urban, the Germans live in more rural areas.³⁸⁴ While the German-speaking South Tyrolese formed a very homogeneous population and saw South Tyrol as their *Heimat*, the Italians were extremely heterogeneous, united only by the same language and nationality. Coming from different areas within Italy, from different social and political backgrounds, many of them saw South Tyrol as nothing but a place to work. Under these circumstances, the Italian-speaking population was not able to develop the same strong sense of ties within, and solidarity with, their community, let alone a distinct identity similar to that of the South Tyrolese German-speakers who are firmly rooted in the territory.

Interethnic relations in South Tyrol, at least since 1919, had not only been a matter of the relationship between the two language communities in the province itself, but also between the German population and the local and central Italian authorities. This latter dimension became an increasing concern to the SVP when it emerged that plans were drafted to set up a decentralised system of autonomous areas throughout Italy including a joint region Trentino-Alto Adige, i.e., that there would be no autonomy for the South Tyrolese alone, but the province would be put together with the neighbouring province of Trentino, where the Italians outnumbered the Germans by far.³⁸⁵ The Italian central government had primarily three reasons for this particular proposal. First, to contain the autonomist ambitions in the Trentino province, second, to avoid fuelling pan-German irredentist aspirations towards South Tyrol by granting autonomy to a territory in which Germans who were unhappy with their status as Italian citizens formed a sizeable majority, and third, to dilute the South Tyrolese claim to self-determination.

³⁸³ Cf. Alcock, *The South Tyrol Question*, p. 85.

³⁸⁴ Cf. the section "Developments after 1972" below.

³⁸⁵ The Italian rationale behind this regionalisation in general had to do with the pressure under which the government in Rome came from the secessionist attempts in Sicily, and by a number of other linguistic minorities in

The SVP, ill-advised by the Austrian government on this issue, dismissed the autonomy proposal for a joint region Trentino-Alto Adige as insufficient, because its aim of preserving the distinct German ethnic character of the province was not considered achievable within the suggested autonomy framework. It was only during the summer of 1946, after the final decision of the Allies to leave the Brenner border unchanged, that the SVP was prepared to enter into direct negotiations with the Italian authorities.

From the Autonomy Statute of 1948 to the Violent Escalation in 1961

Developments in South Tyrol

Sources of Italian Policy

After the signing of the Paris Agreement, the Italian government was in the stronger yet more difficult position. Stronger, because the Paris Agreement was precise on the status of South Tyrol as a territory under the exclusive sovereignty of the Italian state, and at the same time vague enough to ensure that no autonomy regulation could be forced upon the Italian state which it did not consider to be in its best interest. This vagueness, however, also bore a strain of difficulty as it strengthened to some extent the South Tyrolese position, and that of Austria, in so far as it left any autonomy regulation disputable as to whether this particular form of autonomy meant the fulfilment of the Paris Agreement. Further difficulties arose for the Italian government in relation to different interest coalitions. First, there were the Italians in South Tyrol, among whom a real fear existed that the Italian government, in signing the Paris Agreement, had abandoned the Italian minority in South Tyrol to the German-speaking population. The latter were known to be not only bitter about the years of fascism and post-war development, but would also be reinforced numerically and economically by the returning optants.³⁸⁶ Another fear among Italians in the province, but also among the industrialists who had benefited from the industrialisation programme under Mussolini, was the possible political

Italy, such as in the Venetia region. Cf. Ermacora, *Südtirol als Rechtsproblem*, p. 441-442. Ermacora also notes the encouragement of the Italian government to carry out regionalisation by the then French president General de Gaulle.

³⁸⁶ Cf. Alcock, *The South Tyrol Question*, p. 148ff.

elimination of the Bolzano industrial zone once autonomy was granted that gave the German population control not only over cultural affairs but also over the economy. In addition, bilingualism was seen as a severe threat, as it would enable the German-speaking South Tyrolese to exclude Italians from working in the public sector, in communes, hospitals, and schools.

The second interest coalition were the Italians in the province of Trentino. For them, co-operation with the German-speaking South Tyrolese was vital as they could only achieve a favourable autonomy regulation in a joint region, Trentino-Alto Adige. However, a favourable autonomy regulation from the point of view of the Trentino Italians meant that most powers devolved to the region would remain in the regional authorities' competence to give the Italians, who were in an over-all majority at the regional level, the power to determine the implementation of the autonomy statute to come.

Third, there were the German-speaking South Tyrolese. They saw the autonomy regulations as some sort of compensation for the fascist Italianisation attempt and the denial of the right to self-determination. They demanded that knowledge of German be made a requirement for public office and posts in the administration in an area with a German-speaking majority. In the new party programme, which the SVP had adopted in February 1947 the envisaged goals were to assure and promote the ethnic, economic, and cultural life of the German-speaking South Tyrolese within the Italian state. These were objectives that could only be achieved if autonomy was granted to South Tyrol.

The Italian government needed to balance the political and economic interests of the two ethnic groups in South Tyrol against the interests of the Italian Republic and its international commitments. It had to keep the Paris Agreement by granting the South Tyrolese autonomy and, at the same time, it had to protect the Italian population in South Tyrol, and to satisfy the aspirations of the inhabitants of the Trentino province. After consultations with the

SVP in April 1947, the Constituent Assembly of the Italian Republic in Rome approved a bill in June according to which the region Trentino-Alto Adige was created.

South Tyrolese Resentment

With effect from 1945/46, the Italian government confirmed the institution of German secondary schools and the recognition of all respective diplomas, gave permission for the use of German in political, administrative, and judicial communication with authorities in the province of Bolzano and extended this to the multi-lingual communities of the province of Trentino, introduced language courses for officials in multi-lingual communities, and began to transfer mono-lingual Italian officials to other provinces. Despite these measures to improve the conditions for the preservation, expression, and development of the ethnic identity of the German-speaking population in South Tyrol, the most important South Tyrolese demand – to be granted autonomy independent from that of the Trentino province – was still not met. Therefore, the SVP turned to Austria and the three western Allies. Austria, in the midst of its negotiations with Italy on the issue of the remigration of the 1939 optants³⁸⁷ advised the SVP not to insist on separate autonomy and otherwise avoided intervening directly into the autonomy negotiations between the SVP and the Italian government.³⁸⁸ France had too little political influence at the time, and the United States was mostly concerned about the outcome of the next Italian elections and feared a communist take-over. Similarly to Austria, Great Britain advised the SVP to accept the Italian proposals for autonomy that were on the table.

On 17 January 1948, the South Tyrolese put forward their revised demands and were told by the Italian delegation that most of them could be met provided an official letter would be written to the effect that no further demands would be made and that the Paris agreement was considered fulfilled. This was accepted by the SVP, who reasoned that provincial autonomy would always make the South Tyrol look like irredentists and nationalists, whereas regional

³⁸⁷ Italy and Austria concluded their negotiations in November 1947 with the result that the overwhelming majority of optants was allowed back into south Tyrol and readmitted to Italian citizenship. The agreement is discussed at length in Alcock, *The South Tyrol Question*, p. 190ff.

autonomy would secure the support of the Trentino Italians in some vital matters. There was, furthermore, considerable encouragement by the Austrian government and the British ambassador in Rome. Another rationale was that a new parliament might not support the autonomy regulations as they were proposed now.³⁸⁹ Finally, the suggested autonomy statute had improved compared to earlier drafts. It returned the predominantly German-speaking communities of Egno and Salorno to the Province of Bolzano. South Tyrol was to become its own electoral district; regulations about procedures for contesting provincial and regional laws had been improved as had been financial regulations; and the region was supposed to exercise its executive powers normally through their devolution to the provinces, municipalities and local public bodies.³⁹⁰

On 29 January 1948, the Constituent Assembly of Italy approved the Autonomy Statute and Trentino-Alto Adige joined those among the nineteen Italian regions that for special geographic or ethnic reasons were granted a special autonomy statute. This was followed by a press declaration of the Austrian Foreign Minister on 31 January 1948, in which he characterised the autonomy statute as satisfactory and asked the German-speaking South Tyrolese to be loyal citizens of the Italian state.³⁹¹

This new autonomy statute, however, did not contribute to the final settlement of the South Tyrol problem. On the contrary, similar to developments in Northern Ireland in the late 1960s, early 1970s, and after the conclusion of the Good Friday Agreement, the different interpretations the statute was given by the South Tyrolese and the Austrians resulted in rather high expectations on part of the German-speaking South Tyrolese, while the Italian interpretation and subsequent execution of the statute did not live up to these expectations. The German-speaking population's view was that both the Paris Agreement and the 1948 autonomy

³⁸⁸ Victoria Stadlmayer, "Die Südtirolpolitik Österreichs seit Abschluß des Pariser Abkommen", in Huter, *Südtirol*, pp. 474-536, here p. 477-478.

³⁸⁹ Cf. Karl-Heinz Ritschel, *Diplomatie um Südtirol. Politische Hintergründe eines europäischen Versagens* (Stuttgart: Seewald, 1966), p. 268.

³⁹⁰ Alcock, *The South Tyrol Question*, p. 176ff.

³⁹¹ Stadlmayer, *Die Südtirolpolitik*, p. 480.

statute were two legal instruments that would strengthen the German position in the province of Bolzano in two ways – numerically by the return of the optants, and economically and socially by a redistribution of employment according to ethnic proportions. In contrast, the Italian interpretation was that with these documents the state had eventually been equipped with two internationally recognised instruments, and accepted by the South Tyrolese to resist further German encroachment and to maintain the existing degree of Italianisation.³⁹²

The two biggest causes of South Tyrolese resentment were the insufficient transfer of administrative powers from the region to the province as laid down in Articles 13 and 14 of the autonomy statute and the remigration of the 1939 optants and Italian immigration to the province – problems whose satisfactory resolution was seen as essential for the establishment of conditions in which an ethnic German identity in South Tyrol would not only continue to exist, but could be further developed in an ethnically German environment. The SVP considered the return of the around 70,000 optants as essential in its attempts to stem further Italian immigration. Italian enthusiasm about the remigration of people with very little allegiance to, and respect for, the Italian state was limited, and fears grew that German nationalism and irredentism would increase. Austria, as the third party, insisted on the fulfilment of the resettlement agreement reached with Italy in 1947. Under the pressure of North and South Tyrolese politicians, the Austrian government shared the SVP's point of view that to maintain the ethnic German character of South Tyrol, it was necessary to reinforce the German-speaking population numerically.³⁹³

³⁹² However, Italian policy was not consistently anti-German, nor did the SVP refuse co-operation with the Italians at regional level. The Italian government rejected SVP demands to introduce a minimum period of residence as a requirement for participation in regional elections in 1948 (before the return of the optants) and maintained the decision in 1952, now in favour of the SVP, as by then many of the optants had returned. In both elections, the SVP secured about two thirds of the provincial vote, and formed a coalition government with the ideologically similar Italian Democrazia Christiana (DC). Cf. Alcock, *The South Tyrol Question*, p. 197.

³⁹³ Austria also wanted to avoid setting a precedent for other German-speaking minorities of the former Austro-Hungarian empire by granting all South Tyrolese optants citizenship *en bloc*, particularly because there were many more or less strong supporters of the Nazis among the optants, who, in the light of what was seen as subverting and eventually destroying Austria in the pre-annexation period, were not welcome to receive Austrian citizenship. Cf. Alcock, *The South Tyrol Question*, p. 200f. The diplomatic developments around South Tyrol between 1922 and 1938/1939 are analysed in detail in Leopold Steurer, *Südtirol zwischen Rom und Berlin 1919-1939* (Vienna, Berlin, Munich: Europa Verlag, 1980).

The bitterness and disappointment of the SVP at their failure to achieve their economic and social objectives (control of the labour exchanges, control over immigration, language issues, ethnic proportions in the public sector) prevented any co-operation with the DC at regional level, which would have been essential for a more favourable Italian interpretation and administration of the autonomy statute. However, the SVP found itself in a difficult position. On a regional as well as national level, the party depended on good relationships with the DC, but this was very much a one-way street. Neither in Rome nor in Trentino could the SVP exercise any pressure on the DC. Even on a provincial level, the SVP had no real budgetary power, as the Minister of the Interior could decide upon the budget if no consent was reached among the councillors of both provinces. The votes of the three SVP deputies in the national parliament were hardly decisive, whereas abstention or even voting against the governing DC in Rome could worsen matters for the German population in South Tyrol.

During all this time, Italian suspicion of irredentist aspirations were kept awake by extremist factions in South Tyrol and Austria, and a growing interest in the matter in Germany. In 1949, a series of dynamite attacks on South Tyrol power pylons occurred.³⁹⁴ Simultaneously, South Tyrolese hopes for an eventual secessionist/irredentist solution were fuelled by two events – the Italian demands for a plebiscite in Trieste in 1953, and the signing of the Saar Statute between France and Germany in 1954.

The plebiscite in Trieste increased tensions between the South Tyrolese and the Italian government. Austria remained relatively reluctant in this respect. Although Foreign Minister Gruber sent a note to the Western Allies demanding the same referendum for South Tyrol as for Trieste,³⁹⁵ he also made it clear that Austria, after having sent several notes to the Italian government in 1951 and 1952 requesting the fulfilment of the Paris Agreement, was not willing to intervene in this case and left it to the SVP to decide on whether further steps should be taken

³⁹⁴ Ibid., p. 225-226.

³⁹⁵ Stadlmayer, *Die Südtirolpolitik*, p. 484.

or not.³⁹⁶ The reason for this unusual reluctance lay in the political considerations the Austrian government had to make in the early 1950s.³⁹⁷ Until 1955 Austria had not regained its full sovereignty and was still under Soviet occupation. In order to achieve this treaty, it had been necessary for the government to seek a good relationship with the West, into which Italy had become fully integrated. Furthermore, the economic situation in Europe in general and in Austria in particular made it essential for the country to co-operate with EFTA and the EEC, two organisations in which Italy could effectively bloc Austrian integration. Consequently, foreign policy aimed at a good relationship with Italy, but also insisted that the meaning of the Paris Agreement was the preservation of the ethnic character of South Tyrol,³⁹⁸ that is, Austrian emphasis lay on the territorial dimension of South Tyrolean ethnic identity, a view shared by the majority of the German-speaking population in the province. In contrast to this, the Italian government had made it very clear that, in its view, the agreement only extended to an obligation to maintain the ethnic character of the German-speaking population and not of the whole region.

The Failure of the Italian-South Tyrolean Negotiations in 1954

Official negotiations between the SVP and the Italian government on autonomy were reopened in 1954. At the beginning of these negotiations a memorandum of the SVP spelt out in detail the dissatisfaction the German-speaking South Tyrolean felt with the current autonomy regulations at the time. In particular, it was claimed that the South Tyrolean were subjected to genocide and that the protection of a minority needed formal equality *and* special laws which put the minority in a position where it could satisfy its own needs and interests out of its own legislative and administrative powers.³⁹⁹ In conclusion, two demands were made. First, that all artificial measures to encourage immigration cease, and that steps be taken to prevent their repetition. Second, that measures be introduced to remedy the wrongs South Tyrol and its German-

³⁹⁶ Alcock, *The South Tyrol Question*, p. 231.

³⁹⁷ Cf. the more detailed analysis in Wolf, *Südtirol in Österreich*, p. 29f.

³⁹⁸ Alcock, *The South Tyrol Question*, p. 234.

³⁹⁹ Cf. Alcock, *The South Tyrol Question*, p. 227ff.

speaking inhabitants had suffered under fascism. This 'victimisation' aspect of South Tyrolese identity is particularly predominant among the older generation, who lived through the period of Fascist Italianisation. In contrast to Northern Ireland, however, where carefully selected memories about the conduct of the other population group have been preserved over centuries and shape mutual community perceptions until the present day, the memory of the fascist period is barely present as a significant feature of identity among the younger generations of South Tyrolese, and is one factor that has contributed to greater openness toward Italian culture and eased formerly predominant inter-ethnic tensions.

However, the South Tyrolese tried to realise their policy objectives not only through demands vis-à-vis the Italian government, but took two steps even before the official Italian response to the 1954 memorandum. One of them was the foundation by politicians and public figures from North and South Tyrol of the *Berg-Isel-Bund* for the preservation of language, culture, costumes, and traditions in South Tyrol. Second, in recognition that one of the reasons of continuing Italian immigration was the lack of a skilled industrial work force among the German-speaking population in South Tyrol, the *Kulturwerk für Südtirol* (Cultural Foundation for South Tyrol) was founded in West Germany, which by 1964 had collected over two million Deutschmark which were used, among other things, for the construction of hostels for students, cultural centres, and scholarships and courses for South Tyrol trainees and apprentices in West Germany.⁴⁰⁰

Unsurprisingly, the Italian response to the memorandum was disappointing from a South Tyrolese point of view. The general line of argument was that the South Tyrol question had been settled by an international agreement – the Paris Agreement – which Italy had fulfilled.⁴⁰¹ The mandate of the agreement did not cover the preservation of the distinct German ethnic character of the territory but only of that of the German-speaking part of the population,

⁴⁰⁰ Alcock, *The South Tyrol Question*, p. 239.

⁴⁰¹ Alcock, *The South Tyrol Question*, pp. 227ff.

which was not endangered by living alongside another ethnic group.⁴⁰² The Italian government then drew a number of conclusions which made it easy for the SVP to predict, and exploit propagandistically, a continuation of what it perceived to be anti-German policies. These conclusions were that the SVP memorandum amounted to a demand for more autonomy under conditions that would turn Alto Adige into a reservation for German-speaking South Tyrolese; that no further concessions could be made on the part of the Italian government to the SVP, whose loyalty was doubtful after the Trieste incident; that a revision of the autonomy statute and an open discussion of the Paris Agreement would bring the South Tyrol problem back to an international agenda which was unnecessary and undesirable as it was an internal Italian affair; and that the demands made by the South Tyrolese German-speakers were against the interests of the Italian minority in the province.

As nothing positive had been achieved by 1955, opposition grew within the party against the leadership's moderate course. Although this was counter-productive from an Italian point of view, the government did not take active steps to prevent a development towards a more radical SVP. Thus, tensions within the SVP leadership and between local party organisations and the leadership increased in the course of 1956 and 1957. The 1957 party congress saw an almost complete transformation of the SVP leadership.⁴⁰³ The election of Silvius Magnago as the new party chairman marked the end of the policy of "foul compromise."⁴⁰⁴ From then on, SVP policy aimed at a revision of the 1948 autonomy statute in favour of full provincial – instead of shared regional – autonomy and at the mobilisation of the German-speaking South Tyrolese population for this goal. However, the new policy did not strengthen the SVP position vis-à-vis the Italian government; rather, its powerlessness became increasingly obvious, especially in the light of these ambitious objectives, and dissatisfaction among local party organisations increased.

⁴⁰² Ibid., pp. 240ff.

⁴⁰³ Eleven nominees for the party's executive committee who were regarded as representatives of a co-operative course did not achieve a majority of votes, while so-called hard-liners did.

⁴⁰⁴ Friedl Volgger, *Mit Südtirol am Scheideweg* (Innsbruck: Haymon, 1984), pp. 211-212.

The Path to Violence

Dynamite attacks had occurred as early as in the late forties. From June 1956 until their arrest in January 1957, the so-called Stielner gang was active and carried out a series of dynamite attacks on monuments, military installations, power pylons, and rail tracks – all of which were perceived as symbols Italianisation, and thus as a threat to the traditional South Tyrolean way of life. Yet, these attacks were all more or less uncoordinated attempts of individuals or small groups. From 1958 onwards, a more organised network of people willing to carry the opposition against Italian policies beyond the threshold of violence began to take shape. Resistance against what was seen as an unjust implementation of the 1948 autonomy statute existed in two camps – a mostly intellectual one in North Tyrol, and one consisting primarily of small farmers in South Tyrol.⁴⁰⁵ In the light of forty years of Italian ‘colonisation’ of South Tyrol, the increasingly organised resistance movement came to the conclusion that leaflets, mountain fires, and speeches had, after all, amounted to nothing, and that the time had come for actions of another kind.⁴⁰⁶

Eventually, an organisation was formed which called itself *Befreiungsausschuß Südtirol* (BAS – Committee for the Liberation of South Tyrol). The BAS sought contact with Austrian politicians and journalists⁴⁰⁷ and received financial and material support from the *Berg-Isel-Bund* – initially in the form of propaganda material, but soon afterwards also in the form of explosives.⁴⁰⁸

The SVP’s position as the sole representative of South Tyrolean interests, and of its leadership, who were held responsible in part for the way in which the Italian central and regional government administered the autonomy, was not only weakened by inner-party discontent but also by the fact that Article 14 of the 1948 autonomy statute was used only very

⁴⁰⁵ Elisabeth Baumgartner, “Bomben für Herrgott und Heimat”, in Baumgartner, Elisabeth and Mayr, Hans and Mumelter, Gerhard: *Feuernacht. Südtirols Bombenjahre* (Bozen: Edition Raetia, 1992), pp. 7-37, here pp. 30ff.

⁴⁰⁶ Baumgartner, *Bomben*, pp. 30ff.

⁴⁰⁷ Cf. Wolf, *Südtirol in Österreich*, pp. 242-243.

⁴⁰⁸ Alcock, *The South Tyrol Question*, p. 310ff.

infrequently and its application often limited by central government decrees.⁴⁰⁹ This Article, which, together with Article 13, regulated the delegation of executive and legislative powers from the region to the province, had been one of the main reasons the SVP leadership had argued in 1948 for approval of the autonomy statute because it would grant the province its *de facto* autonomy.⁴¹⁰ Nevertheless, the SVP could maintain effective control by partly shifting its stance towards a more determined policy of demands for a revised autonomy statute, while maintaining its condemnation of all terrorist activities, which were gaining momentum in a series of thirty to forty dynamite attacks between 1957 and 1960.⁴¹¹ At a demonstration at the castle of Sigmundskron on 16 November 1957, a resolution was adopted which demanded separate autonomy for South Tyrol and in which Austria was asked to take the South Tyrol issue before the international community. This was followed by a new draft of an autonomy statute by the SVP, submitted to the Italian government in 1958. This caused renewed Italian fears in the province, the region and in Rome. The negative Italian response to the new draft statute, once again, highlighted the fundamental difference between the SVP and the Italian government.⁴¹² The respect for the ethnic composition of the South Tyrolese people on its native soil, as demanded by the SVP, was perceived as threatening Italian immigration and the status of the Italian population in the province. Furthermore, the demand for ethnic proportions in the public sector would create a significant excess of Italian civil servants, while demands for economic independence would facilitate growth in the so-called South Tyrolese indigenous sectors (e.g., agriculture, tourism, small businesses) and simultaneously limit the development, if not further existence, of Italian industries in the area. The consequential deadlock in the negotiations was not the only factor that contributed to the steady escalation of the conflict. There were also a number of social developments which increased South Tyrolese dissatisfaction. Among all the Italian provinces, South Tyrol paid the highest amount of taxes.

⁴⁰⁹ Ibid., p. 286.

⁴¹⁰ Ibid., p. 287f.

⁴¹¹ Baumgartner, Bomben, pp. 33ff.

⁴¹² Cf. the detailed account in Alcock, *The South Tyrol Question*, p. 294ff.

There were hardly any prospects for the South Tyrolese young generation within the province. The status and use of German as the South Tyrolese mother tongue had not been improved significantly.⁴¹³

Although this 'ethnic emergency' increased the homogeneity of the German-speaking South Tyrolese as a distinct group, it also contributed to the alienation of at least some parts of this group from its political leadership. Because this section did not see themselves and their interests being sufficiently well and successfully represented in SVP policies, they did not feel obliged to comply with the party position on the use of violence. Interestingly, both factions justified their actions by recourse to the distinct Tyrolese love of freedom, patriotism and religiosity. In particular, it was the religious and political patriotism which allowed the SVP to mobilise ever more people to back its demands for a revision of the 1948 autonomy statute, while the protagonists of the dynamite attacks in the late 1950s and early 1960s, as well as the later terrorists, also claimed to be motivated by this patriotism.⁴¹⁴

Violent actions, however, did not have an exclusive autonomist background. By 1960, they also came to express anti-ethnic sentiments vis-à-vis the Italian population in the province, not least because of the economic dimension of the conflict⁴¹⁵ and increased Italian neo-fascist activities in South Tyrol, including parades through the provincial capital Bolzano and threats of attacks. Apart from the increasing violence, the Italians also felt threatened by the fact that after decades of being a part of the Italian polity, Tyrolese north and south of the Brenner still insisted on the spiritual and cultural unity of Tyrol, arguing that with the exception of the period between 1809 and 1814, South Tyrol had been part of this unit for more than 1200 years. Both the violent and non-violent resistance movement sought to prove that there was a historic and substantial continuity of opposition to foreign domination that reached from the Napoleonic era

⁴¹³ Baumgartner, *Bomben*, pp. 35ff.

⁴¹⁴ Cf. Wolf, *Südtirol in Österreich*, pp. 68-70, also Elisabeth Baumgartner and Hans Mayr, "Die Feuernacht", in Baumgartner et al., *Feuernacht*, pp. 39-60.

⁴¹⁵ According to Baumgartner, some of the dynamite attacks in 1960/1961 were accompanied by leaflets with slogans such as "Italians, leave the jobs to the South Tyrolese!" Cf. Baumgartner, *Bomben*, p. 36f.

to Italian fascism, Nazi occupation and on to the present-day injustices and was an inherent part of the South Tyrolese value system.⁴¹⁶

The eventual break-up of the over ten year long coalition between SVP and DC at regional level in 1959 over unresolved matters of housing allocation procedures contributed further to the ever more intensifying political tensions in South Tyrol.⁴¹⁷

The International Context

International and bilateral Austro-Italian relations were an important factor in the further escalation of the ethnic conflict in South Tyrol. As early as the beginning of the 1950s, conflicting Italian and Austrian interests on the issue of remigration had given back an international dimension to the South Tyrol question. Austria tried to facilitate its policy goals with a number of decisions that more or less forced optants to return to South Tyrol as they would otherwise face statelessness,⁴¹⁸ while Italy demanded that the Austrian government stop these coercive policies and threatened to stop the necessary screening process of individual applications to regain Italian citizenship.⁴¹⁹ By 1953, the optants question was eventually resolved with 201,305 persons having regained Italian citizenship and only 4,106 having been excluded during the screening process.⁴²⁰

This outcome was clearly in favour of the Austrian government, and the country's position in the international arena was strengthened even further after the country regained its

⁴¹⁶ Cf. Wolf, *Südtirol in Österreich*, pp. 71-76.

⁴¹⁷ Cf. Alcock, *The South Tyrol Question*, pp. 320 ff.

⁴¹⁸ Cf. Alcock, *The South Tyrol Question*, p. 208.

⁴¹⁹ This was part of the 1947 agreement and granted Italy the right to deny citizenship to war and Nazi criminals.

⁴²⁰ However, not all those who could have returned to South Tyrol did so. Only about 22,000 of the 70,000 optants who had left as a result of the *Option* returned after 1945. The more qualified and urban-orientated optants, however, remained in Austria, mainly because of the more favourable economic conditions north of the Brenner. But there were unexpected social problems; re-optants did not receive a very warm welcome among the South Tyrolese population who were generally unwilling to give shelter to whole families. Nevertheless, the German-speaking population grew faster than the Italian: between 1946 and 1953 South Tyrol increased by 21,995, the Italians by 12,639, which equalled a net gain of 9,356. The allegation by Michael Gamper, a leading clergyman, that the German population in South Tyrol was on a death march, was also unfounded: unemployment in the region was the lowest in Italy, with 3.7% compared to a national average of 6.6%. However, none of the statistical evidence had any impact on South Tyrolese propaganda that Germans in the province were under foreign encroachment. Unsurprisingly, this fuelled inter-ethnic tensions, and one member of the SVP executive committee is reported to have said in 1953 that by 1965 the German-speaking population would be in a minority position in their province "and then the bombs will explode." Cf. Alcock, *The South Tyrol Question*, pp. 195-217.

full sovereignty in 1955.⁴²¹ Austria had renounced its territorial claim to South Tyrol and recognised the border at the Brenner in the 1955 state treaty, but its role as a protective power for South Tyrol remained unaltered, as the country was a signatory state of the Paris Agreement.⁴²² In this policy approach and the opportunities it opened, Austria differed clearly from the approaches of German governments towards the Saar and Alsace, but also from that of Irish government, at least before the signing of the Anglo-Irish Agreement in 1985.

The Austrian government was also under considerable pressure from politicians in the Austrian *Bundesland* Tyrol, from where a variety of initiatives emerged. North Tyrolean politicians acted under the premise that the German-speaking population of Tyrol on both sides of the Brenner remained one people and that the unity of Tyrol continued to exist at least in spiritual and cultural terms. This view was shared by the South Tyrolean, who, as an essential part of their identity, conceived themselves as Tyrolean before any other ethnic or national definition as a group. Historically, there is even a motion of the Tyrolean diet of 3 May 1919, in which separation from Austria and the subsequent formation of a Free State Tyrol are demanded.⁴²³ The official involvement of both North and South Tyrolean politicians in the solution of the conflict was acknowledged under Foreign Minister Bruno Kreisky who forged the all-party consensus on South Tyrol that no treaty with Italy would be signed without the consent of the (South) Tyrolean.⁴²⁴ This resembled the approach that the French and German governments took in their attempt to resolve the Saar conflict in the early 1950s, when they agreed on holding a referendum on the negotiated settlement. With the disengagement of Germany from Alsace and the developments in the region after 1945, no such policy was

⁴²¹ Four provisions in the Austrian State Treaty of 15 May 1955 had relevance for the South Tyrol question. Article 5 determined the Austrian borders to be those of 1938, that is, the Brenner border was re-confirmed by the Allies and accepted by Austria. Article 9(i) demanded that Austria take steps to prevent any Nazi and militarist propaganda and organisations from re-emerging. Article 9(ii) requested the dissolution of all organisations carrying out activities against the principles of the UN. In article 11, finally, Austria recognised the Italian peace treaty of 1946. Both Foreign Minister Figl and Chancellor Raab declared that the State treaty did not, however, prohibit Austria from addressing South Tyrol issues within the framework of the Paris Agreement.

⁴²² From the viewpoint of the government in Vienna, this meant the right and obligation for Austria to concern itself with the fulfilment of this agreement. The Paris Agreement itself was reconfirmed by the Austrian State Treaty, which demanded the recognition of the Italian Peace Treaty, of which the agreement was a part. Austria also derived a mandate to act on behalf of South Tyrol from the frequent requests made by South Tyrolean politicians to do so.

⁴²³ Cf. Wolf, *Südtirol in Österreich*, p. 92.

necessary there. In the Northern Ireland conflict the referendum idea precedes the Good Friday Agreement, but was practised there for the first time in the context of a negotiated multi-party settlement including the British and Irish governments and representatives from both traditions.

The first major step which Austria took after having regained its full sovereignty⁴²⁵ was to propose, on 8 October 1956, that a joint Austro-Italian expert commission look into the South Tyrol problem. The Italian government rejected this on 9 February 1957. However, in the light of the obviously worsening situation in South Tyrol, a gradual softening of the Italian position occurred. On 11 August 1957, a journalist close to the government in Rome published an Article in which mistakes in the Italian South Tyrol policy were admitted – in particular, the unnecessary rhetoric which had kept the tensions alive and inconsiderate responses to the German-speaking South Tyrolese and their needs.⁴²⁶ Half a year later, on 21 February 1958, the Italian and Austrian government began to hold conversations⁴²⁷ about unresolved matters in South Tyrol. These conversations reached deadlock on three main issues – provincial autonomy, equality of the German and Italian languages, and the introduction of ethnic proportions in the public sector.⁴²⁸ Then, Austria decided in 1959 to internationalise the matter.⁴²⁹ An early setback for Austria occurred in the South Tyrol debate before the Council of Europe, in which the conclusion was drawn that Italy had fulfilled all legal obligations arising from the Paris Agreement.⁴³⁰ Austria then moved the matter to the United Nations in 1960. When the general assembly agreed to debate the problem, the first Italian defence line was broken, namely that South Tyrol was an internal Italian affair. At the end of the UN session, a resolution was

⁴²⁴ Ibid.

⁴²⁵ After negotiations between the Italian government and the SVP had restarted in 1954, Austria had sent three notes to the Italian government between 1954 and 1955 inquiring about the status of the negotiations without receiving an answer. Cf. Stadlmayer, *Die Südtirolpolitik*, pp. 486-487.

⁴²⁶ Cf. Ritschel, *Diplomatie*, pp. 287-288.

⁴²⁷ The Italian government rejected the term 'negotiations'.

⁴²⁸ Cf. Alcock, *The South Tyrol Question*, pp. 320-321.

⁴²⁹ According to Stadlmayer, this marked the beginning of the third period of the Austrian South Tyrol policy after the signing of the Paris Agreement. The previous two being, first, a period where it was hoped that, through loyalty and trust, a favourable implementation of the autonomy statute could be achieved, and second, a period beginning in 1956 in which Austria made it known that it regarded the Paris Agreement as not yet being fulfilled by Italy. Cf. Stadlmayer, *Die Südtirolpolitik*, p. 509.

⁴³⁰ Cf. Alcock, *The South Tyrol Question*, pp. 322ff.

adopted on 31 October that called for bilateral negotiations between Austria and Italy to resolve the South Tyrol question. Should these not be fruitful, it was recommended that the dispute should be referred to other international organisations, including the International Court of Justice.⁴³¹ This decision strengthened the second Italian defence line that South Tyrol was not a political, but a legal problem.

At the end of January 1961, the Austrian and Italian governments entered into direct negotiations. The generally frosty atmosphere was worsened by neo-fascist demonstrations in Milan, and negotiations did not get beyond the point of both sides stating their views and recognising that these were irreconcilable.⁴³² The Italian standpoint was that negotiations were only acceptable within, but not over, the statute. Austria demanded that the province of Bolzano be given full legislative autonomy, that laws passed by the provincial parliament only be suspendable by the constitutional court, and that the autonomous executive be independent of the central government's executive measures, including so-called semi-state organisations, especially in the housing sector.⁴³³ While these demands obviously represented South Tyrolese wishes, it was equally clear that they could not be fulfilled by Italy within the self-imposed limits of the current autonomy statute. The failure of the Milan negotiations led to renewed terrorist activities.⁴³⁴ This not only worsened the situation of the German-speaking South Tyrolese, but also had a negative impact on Austro-Italian relationships.⁴³⁵ The more radical group in the South Tyrolese population, and especially those organised in, or sympathising with, the BAS became increasingly frustrated with the slow momentum of the Austro-Italian

⁴³¹ The eventual wording of resolution 1497 was proposed by the Irish delegate Connor Cruise O'Brien. Cf. Mittermaier, *Südtirol*, p. 74.

⁴³² Cf. Alcock, *The South Tyrol Question*, pp. 353ff.

⁴³³ Apart from that, a number of additional powers for the province were demanded, especially in education, immigration, economy, culture, and public administration. Alcock, *The South Tyrol Question*, pp. 353ff.

⁴³⁴ Dynamite attacks were carried out against the Mussolini/Italian Genius monument, against the former residence of Ettore Tolomei, against railway tracks, housing projects, and the barracks of the Financial Police.

⁴³⁵ There were, for example, several anti-Austrian demonstrations after the dynamite attack on the Mussolini/Italian Genius Monument, while in Austria anti-Italian resentments were based on the negative perception of the immigration policy in South Tyrol, on the continued validity of fascist special laws and of the appropriations carried out according to them, on a number of arrests and trials which the Austrian public regarded as unjust, and on increasing neo-fascist activities in the country in general, and in particular in South Tyrol. Cf. Wolf, *Südtirol in Österreich*, pp. 208-209. Cf. also the account of one of these trials in Christian Plaickner, "Der Pfunderer Prozeß", in

negotiations and with what was perceived as a continuing Italian colonisation policy in contradiction of the commitments Italy had made in the Paris Agreement of 1946. During the night of 11 June 1961, these circles carried out a series of dynamite attacks against power pylons to disrupt the flow of electricity to the industrial zone of Bolzano – in the eyes of many South Tyrolese a symbol of the Italian colonisation of their home country – and to draw international attention to the situation in South Tyrol.⁴³⁶

This violent outburst was the clearest indication yet that the autonomy statute of 1948 had failed to provide an institutional framework within which both Italian and South Tyrolese interests could have been accommodated in a mutually satisfactory manner. The reasons for this failure did not only lie within South Tyrol or Italy, but there were also a number of external conditions limiting from the outset the chances of success for the 1948 statute and eventually contributing to its failure being recognised.

Table 14: Conditions Accounting for the Failure of the 1948 Autonomy Statute

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| <ul style="list-style-type: none"> • In Italy: <ul style="list-style-type: none"> □ Failure to realise the strength of resentment generated by the biased interpretation and implementation of the 1948 autonomy statute □ Continuation of policies associated with the Fascist Italianisation campaign □ Concessions only in marginal aspects and not on the core of issues perceived as essential by the South Tyrolese to preserve the ethnic character of the province and their distinct identity □ Considerations about implications for other minorities and potential disputes with them (and their kin-states) arising from the South Tyrol issue • In Austria: <ul style="list-style-type: none"> □ Assumption of a patron role over the German-speaking minority in South Tyrol on the basis of the Paris Agreement □ Cross-party consensus recognising the established border with Italy, yet simultaneously encouraging the South Tyrolese to demand full implementation of the 1948 autonomy statute to the benefit of the 'German-speaking element' □ Insistence that Italy had not fulfilled the letter and spirit of the Paris Agreement |
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Scrinzi, Otto (ed.), *Chronik Südtirol, 1959-1969. Von der Kolonie Alto Adige zur Autonomen Provinz Bozen* (Graz, Stuttgart: Leopold Stocker Verlag, 1996), pp. 59-64.

⁴³⁶ One of the leaflets distributed in connection with the first wave of attacks reasoned that it was not the hate of people who spoke another language which motivated the assassins, but rather the right of self-preservation which had to be defended against a state which persecuted the South Tyrolese on grounds of their ethnicity and aimed at their cultural and physical extermination. See Mittermaier, *Südtirol*, pp. 76-78.

- In South Tyrol:
 - Dominance of the issue of preserving the ethnic German character of South Tyrol as the foundation of the South Tyrolean ethnic identity
 - History of Italian assimilation attempts and broken promises of safeguards for the German-speaking minority
 - Increasing feeling of vulnerability and powerlessness given the arrangements in the region Trentino-Alto Adige and the balance of political power there and in Rome
 - Tradition of (occasionally violent) resistance against foreign domination
 - Disillusionment of local activists with the SVP's policy of 'foul compromise' and the lack of improvement resulting from it
 - Growing inter-ethnic tensions due to the failure to accommodate interests of both Italians and Germans in the province and the region
 - Access to financial, material, and logistical resources to conduct a limited campaign of violence
- International Context:
 - Failure of successive rounds of Austro-Italian negotiations and meetings of expert committees
 - Internationalisation of the South Tyrol issue before the UN without any visible improvement in the situation of the South Tyrolean
 - Failure of European institutions to exert sufficient pressure towards the resolution of contentious issues in the framework of the 1948 autonomy statute

A Renewed Attempt to Settle the Conflict: The 'Paket' Solution of 1969 and the New Autonomy Statute of 1972

The Impact of Violence

The dynamite attacks of June 1961, the outburst of the *kleine Feuernacht* (the little fire night) in July, and the subsequent guerrilla-like attacks on, and killings of, Italian security forces had immediate repercussions. First, within South Tyrol, the Italian government deployed large numbers of army and police personnel to prevent further attacks and to find the perpetrators. The use of oftentimes excessive force against the German-speaking population increased tensions and caused even deeper resentments against the Italian state in South Tyrol and Austria. Efforts to get hold of those who had planted the bombs were mostly unsuccessful in the first weeks after the June attacks. But with the BAS turning against 'traitors' within the German population itself and targeting objects outside the province, the Italian police got vital information about the structure and membership of the BAS and managed to arrest most of its

members between 15 and 25 July 1961.⁴³⁷ The immediate consequence of the arrests in the summer of 1961 was that the more 'moderate' wing around Kerschbaumer, which aimed at an improved autonomy, sought to avoid loss of life, and restricted itself to symbolic actions against material objects, was practically wiped out. This allowed a more radical wing around Georg Klotz to take command of the BAS, and to shift tactics to guerrilla warfare. Supported by extremist members of the *Berg-Isel-Bund* and a number of right-wing organisations from Germany and Austria, BAS headquarters were shifted to Innsbruck and Munich and in their attacks activists now deliberately targeted members of the security forces.⁴³⁸ These attacks continued until the late sixties.

While the BAS came under the spell of its radical faction, the SVP prevented a similar development within the party. A motion introduced by SVP senator Hans Dietl to demand the right of self-determination be granted to the South Tyrolese was defeated at an extraordinary party congress on 19 June 1961, after the party chairman, Magnago, had pointed out that this would prompt the authorities to outlaw the party.⁴³⁹ A threat to party unity from a rather different direction came with the introduction of the so-called *Aufbau* platform, in which representatives of the business community within the SVP voiced their concern about the economic and social consequences of violence and introduced a proposal based on a declaration of absolute loyalty to the Italian state and an improvement in social and economic rather than political aspects. With the SVP upholding its demands for genuine autonomy, a middle ground,

⁴³⁷ Through the alleged use of torture, confessions were obtained, which led to the two Milan trials in 1963 and 1966, in which most of the defendants were sentenced to long prison terms of up to thirty years. In this context, Plaickner alleges that the SVP leadership asked the Austrian government not to take any diplomatic steps concerning the torture allegations as they feared that this might jeopardise their negotiations with the Italian government. Cf. Christian, Plaickner, "Tauschgeschäfte mit den Qualen der Gefolterten", in Scrinzi, *Chronik*, pp. 67-87, here p. 80.

⁴³⁸ It is interesting to note that the judicial responses of the German and Austrian authorities were rather different. Three trials in Austria (Graz 1962 and 1965, Linz 1967) ended with mild prison sentences between six and twelve months and most of the accused being acquitted on the rationale that it could not be the task of an Austrian jury to keep peace in Italy. In a trial in Munich in 1965 the defendants were found guilty of conspiracy to cause explosions, of membership in a criminal gang, and of carrying out bomb attacks on power pylons and bridges in South Tyrol and their appeals were rejected by the federal court. Cf. Alcock, *The South Tyrol Question*, pp. 390ff., especially p. 395 and Werner Pfeifenberger, "Selbstbestimmungsrecht der Völker und Recht auf Widerstand", in Scrinzi, *Chronik*, pp. 34-49, here p. 45.

⁴³⁹ Plaickner, *Tauschgeschäfte*, p. 76.

which prevented a split of the party, was found between the Dietl and *Aufbau* wing.⁴⁴⁰ This middle ground policy, and the subsequently adopted policy of a greater preparedness to compromise, on the part of the SVP, included an official declaration of loyalty as demanded by the Italian minister of the interior on a meeting with the South Tyrolean senators and parliamentarians on 13 June 1961, and can be seen as another result of the bomb attacks.⁴⁴¹

As for Austro-Italian relations, the most significant development was that the two governments continued to seek a settlement, as did the British and Irish governments despite the multiple setbacks in Northern Ireland. Despite this commitment to come to a bilateral solution, Austro-Italian relations were not at their best. In an official statement⁴⁴² a few weeks after the bomb attacks, the Austrian chancellor Gorbach condemned both the attacks and the repressive response of the Italian authorities, pointing to the fact that a problem such as South Tyrol could be resolved neither by bombs nor by bayonets. This was countered by Italy insisting that it was the persistent demands by Austria for an improved autonomy status of South Tyrol that had sparked hopes among the German-speaking population in the province that violence might further their Austrian-backed cause.⁴⁴³ The Italian government also accused Austria of a lack of co-operation in security and judicial matters. At the Zurich meetings from 13 to 17 June and on 24 June 1961, the Austrian delegation announced that it thought the time was ripe to proceed to part two of the 1960 UN resolution, i.e., to the search for a peaceful solution, after part one, the resumption of bilateral talks, had been fulfilled. The Italian government suspected that the motive behind this move was the Austrian hope that the terrorist activities in South Tyrol would awaken sufficient sympathy in the international arena so that a majority could be secured in the

⁴⁴⁰ Cf. Alcock, *The South Tyrol Question*, pp. 360-362.

⁴⁴¹ According to Stadlmayer, facing a split, the danger of being outlawed, and perhaps a civil war, the SVP's increased preparedness to compromise met with that of Rome. Cf. Otto Scrinzi, "Bomben in der Parteien Haß und Gunst", in Scrinzi, *Chronik*, pp. 21-33, here p. 24.

⁴⁴² Cf. the quote in Friedl Volgger, *Mit Südtirol am Scheideweg* (Innsbruck: Haymon, 1984), p. 249. This line of argument, which accused the Italian government of having contributed to the rise of terrorism remained popular with the Austrian government until the late 1960s. In a statement on 1 July 1967, Chancellor Klaus emphasised once again the fact that the Italian failure to implement the promised autonomy was among the major contributing factors to violence throughout the decade. For Klaus's statement, see Wolf, *Südtirol in Österreich*, p. 244.

⁴⁴³ Cf. the statement by the Italian foreign minister Segni before the UN in 1961 as quoted in Alexander von Egen, *Die Südtirolfrage vor den Vereinten Nationen* (Frankfurt am Main: Lang, 1997), p. 64.

UN to force Italy to agree to a broadening of the Paris Agreement.⁴⁴⁴ If that was indeed the Austrian calculation, then it proved to be wrong. The previous UN resolution on South Tyrol was merely confirmed by the general assembly in 1961.⁴⁴⁵

In this situation the Italian government showed a remarkable degree of flexibility vis-à-vis South Tyrol. As early as 24 July 1961, the Italian minister of the interior presented a plan to South Tyrolean Parliamentarians in Rome, according to which a committee was to be appointed to study the South Tyrol question to find a settlement.⁴⁴⁶ This plan was realised on 1 September 1961 with the appointment of the so-called 'Commission of Nineteen,' which, according to the Italian government, originated from the wish "to offer the people of the Alto Adige that exchange of views already offered them by De Gasperi on the eve of the Paris Peace Conference and at the time rejected under Austrian pressure, based on the hope of a modification of the Brenner frontier."⁴⁴⁷ This way, the Italian government managed for the moment to turn the South Tyrol problem from an international dispute to an inner-Italian affair, to demonstrate, at the same time, its concern for the German-speaking minority, and to provide the basis for future negotiations with Austria according to UN resolution 1457 of 1960.

It was certainly not a coincidence that all this – the Italian offer of direct negotiations with the South Tyrolean and their acceptance of this offer – occurred within months of the June bomb attacks. However, it would be too simplistic to attribute these developments only to the impact of the terrorist activities. Other factors included the resolution of the security problem with the arrest, or escape to Austria, of most of the June and July terrorists; the fact that with the SVP there existed a political representative of the German-speaking population that commanded the support of more than ninety per cent of the electorate within this population group; and, of

⁴⁴⁴ Cf. Mario Toscano, *Alto Adige – South Tyrol* (Baltimore and London: Johns Hopkins University Press, 1975), p. 166.

⁴⁴⁵ From an Austrian point of view, the return to the UN in 1961 seemed a logical consequence after another deadlock had been reached. An Austrian proposal to appoint a commission of experts was ignored by Italy, and the exchange of diplomatic notes during the summer did not get any further than stating each government's position without regard for the position of the respective other side. Egen, *Die Südtirolfrage*, pp. 61-63.

⁴⁴⁶ Cf. Plaickner, p. 77.

equal importance, that the conflict was primarily one between the South Tyrolese German-speaking population and the Italian state and not an inter-ethnic conflict.

The 'Paket' and the New Autonomy Statute

During its almost three years of work, the 'Commission of 19', fifty-four issues were tackled. Initially, the negotiations made only slow progress because the starting points for both the Italian and the South Tyrolese members of the commission were far apart. The main issue of discontent was the question of the framework for autonomy – while Italy was only willing to negotiate within the existing framework of regional autonomy, i.e., the autonomy granted to the joint region of Trentino-Alto Adige, the South Tyrolese demanded their own regional autonomy status. A breakthrough in this vital question was achieved in 1962 when the SVP declared its preparedness to abandon demands for a change in status of the province provided the provincial government and institutions were endowed with far more economic, social, and cultural powers.⁴⁴⁸ The Italian representatives in the commission were likewise willing to accept greater compromise. By 1964, forty-one of all the issues dealt with by the commission had been fully resolved; of the remaining thirteen, a partial agreement had been achieved over nine issues. Only four remained entirely unsolved. The final report of the commission on 10 April 1964 and the recommendations made in it, however, did not satisfy the SVP, mainly because some of the essential demands put forward by the SVP in the areas of culture and the economy had not been met.

In October, new talks between the two governments had been scheduled to begin after the 'Commission of Nineteen' had ended its work.⁴⁴⁹ These talks began on 25 May 1964 and were conducted between the two foreign ministers, Saragat and Kreisky. At this meeting Kreisky voiced his concern that the proposed regulations did not satisfy South Tyrolese

⁴⁴⁷ Toscano, *Alto Adige*, p. 169. The commission consisted of eleven Italians, seven German-speaking and one Ladin-speaking South Tyrolese.

⁴⁴⁸ Alcock, *The South Tyrol Question*, pp. 397-400 and Antony E. Alcock, *Geschichte der Südtirolfrage. Südtirol seit dem Paket 1970-1980* (Vienna: Braumüller, 1982), p. 17.

⁴⁴⁹ Alcock, *The South Tyrol Question*, pp. 402-403.

demands in a number of areas that were regarded as essential for a satisfactory autonomy. These included provincial competences for industrial development, the trade chambers and the private finance sector, school autonomy, public security and public waters. From a South Tyrolean perspective, these were key issues in the attempt to preserve the ethnic German character of the province and thus the foundations of an ethnic German identity. Industrialisation had always been seen as a crucial factor in all Italianisation attempts, and it was therefore essential that a significant measure of control over issues of industrial development, trade chambers, the private finance sector, and public waters (for reasons of electricity generation and preservation of the predominantly rural environment) be handed over to the provincial authorities. With the school system divided between German and Italian schools until the present day, school autonomy for each community was vital, but particularly so for the ethnic German population, as the schools were seen as an important instrument in the preservation of native German language capabilities. The security issue was, after the experiences under fascism and with the Italian response to terrorism in the early 1960s comparable in its symbolism to the discussions over police reform in Northern Ireland.

The Italian and Austrian foreign ministers agreed to appoint a commission of experts to tackle the altogether one hundred and eight single issues regarding the details of a new autonomy statute.⁴⁵⁰ By October 1964, ninety of them had been resolved, with the remaining eighteen, however, being the most important. Nevertheless, the approaches of both governments had become more flexible and more sensitive to the constraints under which the other government was acting. In a parliamentary speech on 9 August 1964, Aldo Moro insisted on his right as head of the Italian government to negotiate over South Tyrol on a bilateral basis with Austria, and he conceded that the Italian government was obliged to grant autonomy to the province of Bolzano under the Paris Agreement which included the devolution of legislative and

⁴⁵⁰ Egen, *Die Südtirolfrage*, p. 70.

administrative powers.⁴⁵¹ Italy also recognised that any potential solution had to be accepted by the South Tyrolese, and that Kreisky did not only need to convince his government of the viability of any proposal worked out with his Italian counterpart on the basis of the commission's report, but that he also needed parliamentary approval.⁴⁵² The negotiations between the two foreign ministers resulted in an agreement on 16 December 1964. This agreement, however, was still subject to approval by South Tyrolese and (North) Tyrolese politicians, who met with Kreisky in January and March 1965. These meetings did not succeed in securing the necessary consent, and in a note to the Italian government of 30 March 1965, Kreisky communicated the South Tyrolese demand to reopen negotiations on thirteen points, including economic, administrative, and social matters as well as questions of school autonomy, employment regulations, and public security.⁴⁵³ The Italian government regarded these demands as very far reaching and considered them to require a new round of meetings at ministerial level.⁴⁵⁴ After a further four years of negotiations, an agreement was reached between Italy and Austria, which consisted of a substantial revision of the 1948 autonomy statute and a so-called operational calendar in which both governments committed themselves to a certain sequence of events which would eventually lead to the dispute over South Tyrol being brought to an end.

The package, upon which the two governments agreed and which found the approval of a marginal majority of 52.4% within the SVP at an extraordinary party congress in 1969, contained 137 single measures, twenty-five detailed provisions, and thirty-one rules of interpretation.⁴⁵⁵ Among the most important measures were the substantial changes (measures 1-72) and additions (measures 73-97) to the 1948 autonomy statute which delegate more competences to the province⁴⁵⁶ and the regulations that determine the equal status of the

⁴⁵¹ Ritschel, *Diplomatie*, p. 538. A similar statement is included in Moro's introductory speech in parliament after the 1966 elections. Cf. *ibid.*

⁴⁵² Cf. Ritschel, *Diplomatie*, p. 547f.

⁴⁵³ Toscano, *Alto Adige*, p. 205. Cf. also Egen, *Die Südtirolfrage*, p. 70.

⁴⁵⁴ Toscano, *Alto Adige*, p. 206.

⁴⁵⁵ Oskar Peterlini, *Autonomie und Minderheitenschutz in Trentino-Südtirol* (Vienna: Braumüller, 1997), p. 115f.

⁴⁵⁶ According to the *Paket* and the 1972 autonomy statute, the areas where the region maintained its competence were cut down from 25 to 13, while those for the provinces were increased from 17 to 40. Cf. also Norbert Mumelter, *Die Selbstbehauptung der Südtiroler* (Vienna: Eckartschriften, 1980), p. 40.

German language as a second official language in the province (measures 98-105); the redrawing of constituency boundaries for senate elections which assigned a third constituency to South Tyrol (106-120); the establishment of the *Proporz* scheme (measures 15, 19, 36, 49, 50, 61, and 89), i.e., the recruitment or appointment of staff according to ethnic proportions in the public and political sector.⁴⁵⁷ The so-called internal guarantee took the form of a standing commission which is adjoined to the office of the Italian Prime Minister.⁴⁵⁸

The major points of criticism which were raised by part of the SVP centred around four issues that, similar to earlier objections, were perceived as crucial for the establishment of conditions conducive to the preservation, expression, and development of the ethnic German identity of the South Tyrolese and its foundations – there were no guarantees against further Italian immigration, the *Proporz* regulations appeared too limited, the Italians were granted a *de facto* veto right in the provincial diet,⁴⁵⁹ and the international guarantees⁴⁶⁰ given by the Italian government seemed insufficient. There was also a significant difference in the interpretation of the character and legal status of the *Paket* between Italy and Austria. The Italian point of view was that the measures were voluntary and not part of the Paris Agreement, while the Austrian government saw them being a part of the Italian obligations as lined out in the Paris Agreement. This difference of opinions had a significant impact on the international guarantees given. In the case of Austria approaching the International Court of Justice in any future dispute about the implementation of the *Paket*, it would have to prove, first of all, that these measures were part of the Paris Agreement to demonstrate that the dispute fell under the jurisdiction of the court and was not simply a matter of inner-Italian legislation.⁴⁶¹

⁴⁵⁷ The *Proporz* regulations are spelt out in detail in Peterlini, *Autonomie*, pp. 170-172.

⁴⁵⁸ It consists of four German-speakers, two Italians and one Ladin, all of who are elected by the South Tyrolean provincial diet, and one representative appointed by the Prime Minister. The task of this commission is to solve problems that emerge in connection with regulations of the autonomy statute and future changes in the conditions for which these regulations were set out. The first election of the South Tyrolean members of the commission took place on 12 May 1992, the first meeting with the representative of the Prime Minister was on 6 April 1993.

⁴⁵⁹ Cf. the remarks on specific voting procedures in the provincial diet below.

⁴⁶⁰ Cf. the paragraphs on the operational calendar below.

⁴⁶¹ Cf. Alcock, *Geschichte*, pp. 27-28; Karl Zeller, *Das Problem der völkerrechtlichen Verankerung des Südtirolpakets und die Zuständigkeit des Internationalen Gerichtshofes* (Vienna: Braumüller, 1989), pp. 73, 84, 86; Christoph Zeyer, *Der völkerrechtliche und europarechtliche Status von Südtirol* (Frankfurt am Main: Lang, 1993),

The new autonomy statute, which is the central part of the package, passed all parliamentary hurdles in Italy and came into force on 20 January 1972. As a territorial autonomy statute, however, it has the double character of an instrument regulating the decentralised self-government of the province and providing for the protection of the German and Ladin-speaking minorities. The official name of the package – ‘Measures in Favour of the Population of South Tyrol’ – makes it already clear that minority protection is only one part within the whole set of measures and regulations. Only the Articles 63-68, 98-100, 115, 117, 119-121, and 129 are specifically and exclusively designed to promote the German-speaking population within the province, while the rest of the Articles strengthened provincial autonomy vis-à-vis the region and the central government as a whole and introduced procedures to mediate between the interests of all ethnic groups in South Tyrol. The two most important regulations in this respect are, first of all, specific voting regulations in the provincial diet according to which, to be passed, all those laws that can potentially violate the rights of one of the ethnic groups have to have a majority among the representatives of each ethnic group regardless of their party-political affiliation. The same rule applies for the budget. However, these procedures only come into operation upon specific request of one of the ethnic groups represented in the diet. The other regulation determines that both the provincial and regional government have to be composed of representatives of the two strongest ethnic groups, i.e., the Germans and the Italians. Thus, despite its absolute majority, the SVP in South Tyrol has to form a coalition government with at least one Italian party which ensures not only legislative representation of the Italian-speaking population but also their representation in the South Tyrolese executive, and vice versa that of the German-speaking population in the regional parliament and government. This and a number of regulations in areas where, instead of the principle of proportional representation of all ethnic groups, the principles of parity and rotation are in force

clearly disadvantages the Ladin-speaking group.⁴⁶² However, Article two of the constitutional law under which the 1972 autonomy statute came into force states that the protection of local linguistic minorities is a national interest. This, on the one hand, limits the opportunities of the central government to dispute provincial laws because of their alleged violation of national interests. On the other hand, the phrasing 'local linguistic minorities' caused suspicions within the SVP that this might be used as an instrument in favour of the Italian population in the province, who are in a numerical minority position in South Tyrol.⁴⁶³ Nevertheless, the Article covers the rights of the Ladin-speaking population in South Tyrol who, as an absolute minority, enjoy considerable attention from both Italian and German political parties competing for their votes and support in the provincial diet.⁴⁶⁴

The operational calendar outlined procedures for the implementation of the *Paket* as well as steps to be taken by both governments to settle the dispute over South Tyrol. In doing so, however, no timeframe was given as to when certain parts of the *Paket* had to be fulfilled and specific steps for the eventual settlement had to be completed.⁴⁶⁵ The sequence of events, however, was clearly lined out as the settlement of the dispute requiring prior full implementation of the autonomy statute. Only then was an official settlement of the Austro-Italian dispute to go ahead. This official settlement consisted of two main parts. One included declarations of the heads of both governments before their parliaments about the settlement, parliamentary motions on the issue, official letters to the Secretary General of the UN regarding the fulfilment of resolution 1457 and an Austrian declaration that the dispute had been settled. The other, and farther reaching, part was a bilateral agreement between Austria and Italy that in

⁴⁶² Such other regulations are, for example, the positions of chairman and vice chairman of the regional and provincial diets, where a representative of the German-speaking and one of the Italian-speaking population take turns, and a Ladin speaker is simply not eligible.

⁴⁶³ Cf. Alcock, *Geschichte*, p. 32. Interestingly, this article was not included in the Italian constitution, as the Italian government feared rising demands from other linguistic minorities. Cf. *ibid.*, p. 33.

⁴⁶⁴ Cf. Manuela Zappe, *Das ethnische Zusammenleben in Südtirol* (Frankfurt am Main: Lang, 1996), p. 103f.

⁴⁶⁵ It took twenty years to complete the operational calendar. Austria declared in June 1992 that the dispute had been settled.

case of any further disputes the International Court of Justice would be approached.⁴⁶⁶ The operational calendar, although not providing the same international guarantees as envisaged in the Kreisky-Saragat agreement of 1964, strengthened the Austrian position vis-à-vis the Italian government, and with it that of the German-speaking population in South Tyrol.⁴⁶⁷ There are two reasons for this. One is that the calendar qualifies the *Paket* as a 'later practice' of the fulfilment of the Paris Agreement, the other is that it denies the Italian interpretation of the *Paket* as being part of voluntary inner-Italian legislation, but places all legislative measures in connection with the implementation of the *Paket* in the context of the fulfilment of the Paris Agreement.⁴⁶⁸

Developments after 1969/1972 proved that despite all difficulties arising from the implementation of the 1969 package solution, and occasional inter-ethnic and political tensions, both the *Paket* and the operational calendar provided a stable basis for the protection of the German and Ladin-speaking minorities in South Tyrol and for the accommodation of distinct interests of all ethnic groups within the framework of the provincial autonomy. The institutional arrangements of South Tyrolean autonomy are a classic example of a consociational settlement of an ethnic conflict. It incorporates the four basic principles of grand coalition (between at least one German and one Italian party forming the provincial government), segmental autonomy (in the cultural sector), proportionality (in the voting system and in public sector employment) and minority veto.⁴⁶⁹

⁴⁶⁶ This so-called ICJ treaty is a bilateral agreement in addition to the European Convention on the peaceful settlement of conflicts of 1957. In this treaty, Austria and Italy agree to a change of article 27a of the convention, which extends its validity retrospectively to the Paris Agreement of 1946. According to the so-called *ratione temporis* this European convention of 1957 did not automatically cover international treaties that had been signed before 1957. Only an agreement between the respective signatory states of such treaties could extend the coverage retrospectively. Cf. Ermacora, *Südtirol*, p. 162.

⁴⁶⁷ Cf. Zeller, *Das Problem*, p. 84.

⁴⁶⁸ Cf. Zeyer, *Der völkerrechtliche und europarechtliche Status*, p. 54.

⁴⁶⁹ On consociational democracy cf., among others, the work of Arend Lijphart. See bibliography for further details.

Developments after 1972⁴⁷⁰

The Institutional Practice of Autonomy in South Tyrol

The time period between 1972 and 1992, i.e., between the introduction of the new autonomy statute and the official Austrian declaration about the settlement of the dispute with Italy, has not been free of conflict. However, apart from some minor violent incidents between the late seventies and the late eighties, the background of which has never been fully uncovered, the conflict has taken a civilised form and tensions have been dealt with more or less successfully within the provincial, regional, and national institutional framework.⁴⁷¹

The 'administrative' sources of this have been mainly two. On the one hand, there was until 1988 a rather slow implementation of the regulations set out by the new autonomy statute, and the precise ways and procedures of this implementation⁴⁷² were a matter of frequent substantial quarrels between the German-speaking South Tyrolese and their Italian counterparts on the provincial, regional, and national levels. The other source of conflict was the growing Italian dissatisfaction with the way the SVP interpreted and executed autonomy regulations and their implementation procedures. These administrative sources of conflict, however, could only continue to have conflict potential because of the substantial issues that formed the basis upon which different interpretations of each ethnic group's position arose. The substantial issues of concern for the German-speaking minority remained until 1992 the questions of language equality, of a sound financial basis for provincial autonomy, and of the degree of influence of

⁴⁷⁰ In the following, I will not refer to the Ladin-speaking group in South Tyrol as it was not a major participant in the ongoing conflict, siding with the SVP and the German-speaking population on most issues. Rather comprehensive accounts on the development of this third ethnic group in South Tyrol can be found, among others, in Mittermaier, *Südtirol*, pp. 159ff.; Zappe, *Das ethnische Zusammenleben*, esp. pp. 214-218, and Peterlini, *Autonomie*, pp. 167ff. and 198-202.

⁴⁷¹ These bomb attacks and several possible explanations about their origin and objectives are extensively covered in Hans Karl Peterlini, *Bomben aus zweiter Hand* (Bozen: Athesia, 1992).

⁴⁷² The autonomy statute as such is only the legal framework. For its implementation, so-called execution regulations (*Durchführungsbestimmungen*) are needed, which have been repeatedly delayed in some areas. By 1984, no such regulations had been provided for the equality of the German language and its use in the public sector, before courts, and with the police; for public finance; in the sensitive area of toponomastics; for public transport and communication services; for mining and public waters; in some areas affected by ethnic proportion regulations; and with respect to some school affairs. For a more detailed analysis of this, cf. Mittermaier, *Südtirol*, pp. 85-86.

the Italian state on provincial laws and regulations. These issues have now been dealt with in a way satisfactory for the German community.⁴⁷³

For the Italian-speaking community in the province the major sources of substantial dissatisfaction were the ethnic proportions in the public sector, all matters related to bilingualism, and the strict cultural separation of the language communities,⁴⁷⁴ all of which added to the general insecurity of the Italian-speaking population in South Tyrol about their future and resulted in a decline in the number of Italians living in South Tyrol after 1971, with the Italian share of the population falling to under thirty per cent.

Party Politics in South Tyrol

With the exception of the Green Party, the party political system in South Tyrol is divided along ethnic lines. Ideological differences come into play only within each community.⁴⁷⁵ The overall tendency has been a slight decline in votes for the German parties, a more drastic one the Italian ones, and substantial gains for the cross-communal New Left/Greens, as the chart below shows.

In the German-speaking ethnic group, the SVP has dominated party politics for almost half a century after the end of the Second World War, regularly polling about ninety per cent of the German and Ladin vote in national, provincial and local elections and always achieving an absolute majority of seats in the provincial diet. Recently, however, the party has come under increasing pressure from four sides – from the increasing electoral appeal of the interethnically

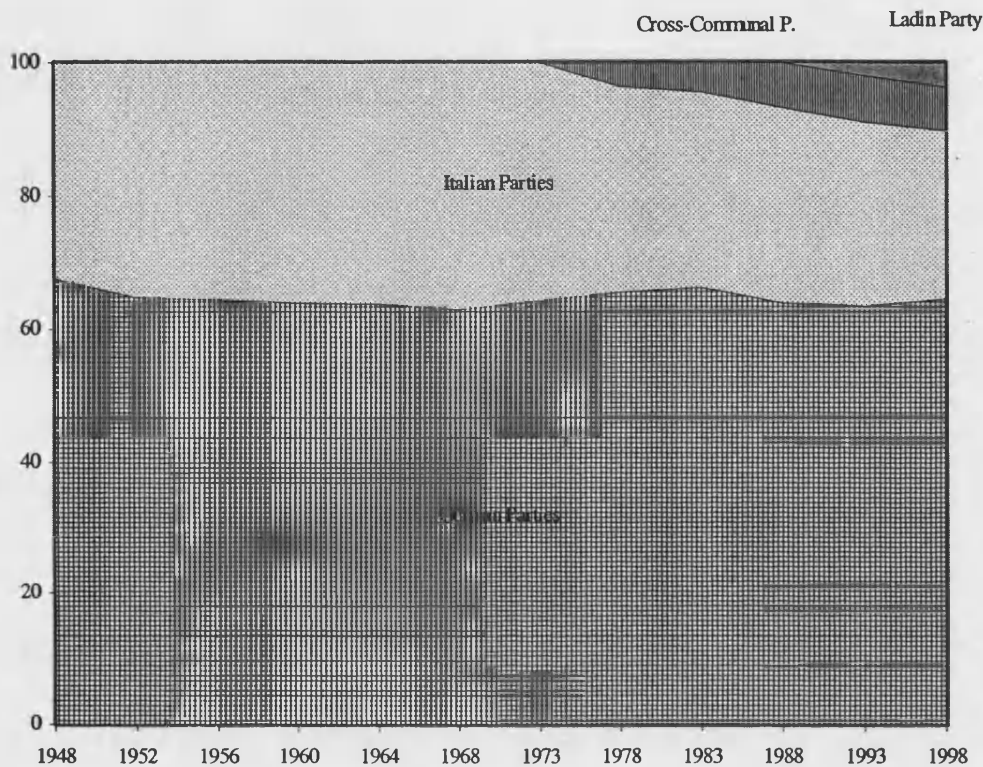
⁴⁷³ See Peterlini, *Autonomie*.

⁴⁷⁴ Cf. "Die Ergebnisse einer Meinungsumfrage unter der italienischsprachigen Bevölkerung von Bozen und Leifers ein Jahr nach den Gemeinderatswahlen vom Mai 1985", in Benedikter, Rudolf, Dall'O, Norbert, Kumpfmüller, Karl A., Mezzalana Girogio, and Pircher, Erika (eds.), *Nationalismus und Neofaschismus in Südtirol* (Vienna: Braumüller, 1987), pp. 66-210, here p. 93.

⁴⁷⁵ This is true even for the trade union sector where an exclusive German trade union exists. Cf. in greater detail on this Rudolf Benedikter and Erika Pircher, "Die Südtiroler Gewerkschaften zwischen Beschäftigungskrise und ethnischen Konflikt, 1983-1985", in Benedikter et al., *Nationalismus*, pp. 287-331, esp. pp. 290-294.

orientated Green Party,⁴⁷⁶ from more radically ethnocentric right-wing parties within the German-speaking population group,⁴⁷⁷ from the establishment of an exclusively Ladin party

Figure 4: The Party System in South Tyrol, 1948-1998



challenging the SVP's decade-old claim to represent all non-Italian groups in South Tyrol, and from an internal political challenge to its ideologically non-partisan catch-all approach.⁴⁷⁸ These challenges have resulted in a slight overall decrease of the vote polled by German parties from 67.6% in 1948 to 63.5% in 1993, but increased slightly to 64.6% in 1998. The decrease of votes

⁴⁷⁶ This party, throughout its history, has been known by several other names, such as 'New Left' or 'Alternative List for the Other South Tyrol'.

⁴⁷⁷ The *Freiheitliche Partei Südtirols* (FPS) and the *Union für Südtirol* (UfST) steadily increased their vote. The FPS polled 6.1% in the provincial elections in 1993 after just 1.35% in 1988, while the UfST increased the vote of the SHB, its main constituent organisation, of 2.29% in 1988 to 4.8% in 1993. By 1998, however, their share of the vote had decreased again. Cf. below.

⁴⁷⁸ In particular, frictions between employer and employee wings within the party have contributed to speculations about the possibility and necessity of giving up the catch-all party in favour of a 'normal' plurality of interest groups organised as political parties, similar to the Italian parties in South Tyrol.

for the SVP, however, was more dramatic. Its share in the vote fell from 67.6% in 1948 to 52% in 1993, the strongest decline occurring between 1988 and 1993 (-8.4%). Yet, in 1998 the party was able to reassert its dominating position within the German-speaking community – in the provincial elections it won 56.6%, an increase of over four per cent compared to 1993.

Apart from the more obvious overall decline of support for Italian parties,⁴⁷⁹ the single most significant difference between the ethnic German and Italian party systems in South Tyrol is the absence of an Italian catch-all party. With the migration of Italians from a diversity of social backgrounds came also a diversity of political parties to South Tyrol addressing their clientele along traditional lines of ideological divisions. For a long period of time, the DC was dominant within the Italian community. The crisis of the Italian party system at the end of the 1980s and early 1990s put an end to the DC's position.⁴⁸⁰ The strongest Italian party in the second half of the 1980s was the neo-fascist MSI which won the local elections in Bolzano in 1985 and secured approximately every third Italian vote in the 1987 parliamentary elections.⁴⁸¹ At the time it seemed that the MSI could rise to become a catch-all party within the Italian community similar to the SVP, but it has had to compete for votes with at least one other nationalist party, namely Forza Italia. In the 1998 elections, the MSI, under its new name *Allianza Nazionale* (AN) lost about 6,000 votes, one seat, and almost two per cent of its share in the vote compared to 1993. The other two significant Italian parties are the Communist Party (PCI – since 1993: PDS) and the Socialist Party (PSI) both of which suffered from the crisis of the party system in 1992/93. The PCI always favoured an inter-ethnic approach to politics. The PSI, in contrast, is an openly pro-Italian party; it claims, however, to be in favour of co-operation between the ethnic groups and the autonomy regulations in general. A last political force that needs to be mentioned in the context of South Tyrolean party politics is the

⁴⁷⁹ This corresponds to the decline in Italians living in South Tyrol, whose share in the population has remained under thirty per cent since 1981. Cf. below.

⁴⁸⁰ From around fifteen per cent before 1988, its share in the vote in South Tyrol decreased to 9.1% in 1988. The party broke apart in 1992/93, and one of the successor parties, the *Partito Popolare Italiano* (PPI), won 4.4% (two seats) in 1993 and 2.7% (one seat) in 1998.

⁴⁸¹ Cf. Franz Pahl, "Der Jubel der Schwarzhemden", in Pahl, Franz, *Tiroler Einheit – jetzt!* (Kiel: Arndt, 1991), pp. 146-172.

phenomenon of emerging regional parties, in this case of the Lega Nord.⁴⁸² With only three per cent of the vote in the provincial elections in 1993 and less than one per cent in 1998, this impact has, at least from a quantitative point of view, not been significant. The developments in the Italian party system are displayed in the following chart.⁴⁸³

Inter-ethnic Relations and Their Impact on the Future of South Tyrol

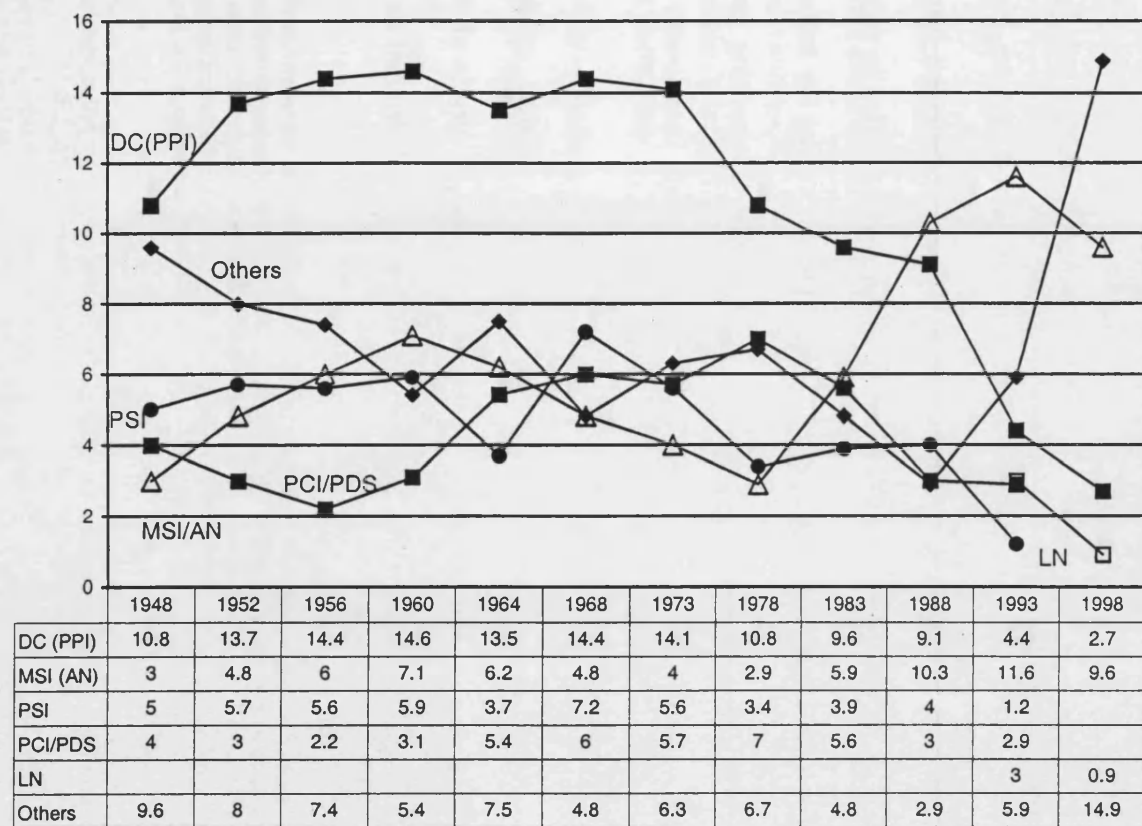
The ethnic division of the party political system was a consequence of, as well as a cause for, the particular way in which interethnic relations between the two main language communities in South Tyrol developed. It was a consequence because for the most time after the partition of Tyrol in 1919, tensions between both the Italian and the German population and between the ethnic German community and the Italian state prevented the development of any significant ties between the two communities, especially in the party sector, as the problem after 1945 came to be seen as primarily political. The political arena consequently became the major field where rights and interests were contested between representatives of the two distinct ethnic groups. Party political separation, however, has also been a cause for the specific structure of interethnic relations. The SVP's dominance in, and influence on, both the political and civil sectors of society in South Tyrol helped the party to impose its politics of cultural and social separation on the relationship between the two major ethnic groups.⁴⁸⁴

⁴⁸² On regionalism in Italy and its impact on South Tyrol, cf. Oliver Schmidkte, *Politics of Identity* (Sinzheim: Pro Universitate Verlag, 1996).

⁴⁸³ DC – Christian Democratic Party, MSI – Italian Social Movement, PCI/PDS – Communist Party of Italy/Party of the Democratic Left, PSI – Socialist party of Italy, LN – Lega Nord.

⁴⁸⁴ The relationship between ethnic Germans and Ladins in South Tyrol had traditionally been closer, primarily because the Ladins relied on, and backed, the SVP to negotiate favourable autonomy terms. Only recently, especially since the formation of the Ladin List as an electoral contestant and the growing awareness among Ladins about their own distinct identity and the need to protect it from being overwhelmed by the German dominance, has there been a certain degree of separation between the two non-Italian ethnic groups.

Figure 5: The Italian Party System in South Tyrol, 1948-1998



DC – Christian Democrats
PPI – Partito Popolare Italiano (one of the DC successor parties)
MSI/AN – Italian Social Movement/National Alliance (since 1998 elections)
PSI – Socialist Party of Italy
PCI/PDS – Communist Party of Italy/Party of the Democratic Left (since 1993 elections)
LN – Lega Nord

The ethnic divisions in South Tyrolean society as they continue to exist until today have been strengthened by the ethnic division of labour – the industrial sector is still predominantly Italian, while the agricultural and tourism sector remain firmly in German hands – and by a distinct ethnic geography in South Tyrol with the majority of Germans living in rural areas, while Italians dominate the urban centres.⁴⁸⁵

All these factors have been mutually reinforcing and a persisting climate of mutual suspicion of either secessionism – on the Italian side – or of attempts of forced assimilation – on the German side – has so far prevented comprehensive social integration of all three ethnic groups. It is hard to say whether this should be considered an advantage or disadvantage for interethnic relations.

Clearly, among the younger generation of German-speaking South Tyrolese, who lack the personal experience of the fascism and the post-war period until the 1960s, the need for ethnic separation is much less felt⁴⁸⁶ than under the older generation many of whom still preserve their 'victim identity' and insist on the autonomy statute and its regulations are some form of compensation for the injustices inflicted on them. Among the Italian population, the preparedness to engage in more co-operation with the German-speaking group has persisted since the late sixties and early seventies,⁴⁸⁷ although it has occasionally been shaken by incidents that were interpreted as continuing irredentism.⁴⁸⁸

Because of the persisting ethnic interpretation of political, economic, and social competition, single events within one of the ethnic groups or outside of them have a great potential to trigger an increase in ethnic tensions, such as the MSI electoral success in the mid to

⁴⁸⁵ The census data from 1981 established that of the 123,695 Italians in the province (28.7% of the over-all population) eighty-seven per cent lived in towns with more than 10,000 inhabitants, while the degree of urbanisation among Germans was only twenty-seven per cent. In the provincial capital of Bolzano, 71.8% of the population was Italian, and the 25.1% Germans (or 26,000) living there were at the same time the largest congregation of Germans in the province. Cf. Hermann Atz, "Wirtschaftliche und soziale Rahmenbedingungen sowie Ergebnisse verschiedener Wahlen in Bozen", in Benedikter et al., *Nationalismus*, pp. 10-65, here p. 12-13.

⁴⁸⁶ Cf. Zappe, *Das ethnische Zusammenleben*, pp. 160-161 and p. 179.

⁴⁸⁷ The turn in Italian public opinion is generally said to have been the first Milan trial in 1963. Cf. Franz von Walther, "Journalismus mit Anteilnahme", in Baumgartner et al., *Feuernacht*, pp. 158-167.

⁴⁸⁸ The Italian attitude towards co-operation with the German-speaking South Tyrolean population has been documented in "Die Ergebnisse einer Meinungsumfrage unter der italienischsprachigen Bevölkerung von Bozen und

late eighties, the public display of South Tyrolean irredentist symbols in Innsbruck in 1984, and the events in former Yugoslavia in the early 1990s. Similarly, strategic ethnic voting has become politically quite significant in South Tyrol. The electoral success of the neo-fascist MSI in the late eighties happened in particular at the local level (and only in South Tyrol in such proportions above national average), where Italians, frustrated with ethnic proportions that were perceived to be used to their disadvantage, desired a political and cultural counter-balance to the seemingly all-dominating SVP and German-speaking population in South Tyrol.⁴⁸⁹ By the same token, about one quarter of the overall SVP loss of eight per cent in the 1993 provincial elections can be attributed to the Ladin List, presumably as a result of the Ladin wish for their own political representation in the provincial and regional diets.⁴⁹⁰ But the SVP regained most of this vote in the parliamentary elections in the following year, apparently because the Ladins, without any chance of their own member of parliament in Rome, wanted to be represented by their long-term ally SVP rather than by an Italian party.⁴⁹¹ The SVP's recovery continued in 1998, while the two ethno-centrist parties within the German-speaking community – the UfST and the FPS – lost about one quarter of their votes and one of their four seats.⁴⁹²

Another significant aspect of the ethnic voting pattern which has had an impact on interethnic relations, if only in terms of how the results are interpreted within each ethnic group, is the fact that during the 1993 provincial elections those parties gained votes which argued from a specifically ethnocentric political standpoint. These were the neofascist MSI, the right-wing UfST and FPS, and the Ladin List. Thus, despite growing social integration among the

Leifers ein Jahr nach den Gemeinderatswahlen vom Mai 1985", in Benedikter et al., *Nationalismus*, pp. 66-210, esp. pp. 179-185 and pp. 201-205.

⁴⁸⁹ Cf. "Zusammenfassung", in Benedikter et al., *Nationalismus*, pp. 401-435, esp. p. 413 and pp. 425-432; and Celestina Avanzini and Giorgio Mezzalana, "Versuch einer psychoanalytischen Interpretation des Verhaltens der Italienischen Sprachgruppe", in Benedikter et al., *Nationalismus*, pp. 373-401, here p. 379 and p. 392.

⁴⁹⁰ The regional diet is made up by the elected members of both provincial parliaments.

⁴⁹¹ Cf. Zappe, *Das ethnische Zusammenleben*, p. 85 and pp. 90-91.

⁴⁹² The loss was greatest for the FPS, who lost more than 11,000 votes (1993: 18,669 – 1998: 7,541) and one of their two seats. Their percentage share in the overall vote decreased from 6.1% to 2.5%. The UfST could gain almost 2,000 votes and its share in the vote increased from 4.8% to 5.5%.

younger generations and an increasing number of intermarriages,⁴⁹³ ethnic separation is continuously reinforced by singular events and their 'ethnic' interpretation.

Another important consequence of the persisting ethnic separation is the cultural isolation of the South Tyrolese German-speaking population. Since the early 1970s, cultural policy, including schools and education, falls under the competence of each language group. Since then, the SVP has pursued a course of strict separation which has manifested itself in the following policy guidelines – co-operation with the Italian population is only possible as long as the cultural characteristics of the German-speaking group are not in jeopardy; co-operation must never result in an ethnically indifferent South Tyrolese identity (the *Paket* and the 1972 autonomy statute have banned the dangers of political alienation but not fears of cultural assimilation); and close co-operation with North Tyrol must be sustained to preserve the historic cultural unity of Tyrol.⁴⁹⁴

This is problematic, as it basically means that Italians, who have been living in South Tyrol for some generations, are denied the right to feel just as South Tyrolese although they were born there and may have close personal affiliations to the province. This attempt to preserve German cultural hegemony has not only had a certain alienating effect on the Italians, it has also meant an increasing cultural isolation of the German-speaking population itself, which in turn has contributed to the fact that the younger generation more and more denounces traditional South Tyrolese identification patterns, while the older generation clings on to its traditional values and norms to re-affirm not only its distinct German culture, but also the SVP-orientated power structure in South Tyrol, which depends upon the preservation of a primarily ethnic identification and interpretation of politics, culture, and society.⁴⁹⁵

The particular fear of the older South Tyrolese generation of the emergence of a new South Tyrolese identity can only be understood out of the assumed consequences of such a

⁴⁹³ Cf. Alcock, *Geschichte*, pp. 67ff.

⁴⁹⁴ *Ibid.*, pp. 63-64.

⁴⁹⁵ Cf. Oliver Schmidtke, *The Politics of Identity* (Sinzheim: Pro Universitate Verlag, 1996), pp. 275-325; Zappe, *Das ethnische Zusammenleben*, pp. 48-49, 99, 103-105, 179-180; Ermacora, *Südtirol*, pp. 219-256; and Mittermaier, *Südtirol*, pp. 189-195.

process, namely the disappearance of ethnic borderlines in politics and society and the feared decline of the ancient South Tyrolese system of traditions, norms, and values for the preservation of which they had fought through the decades. It is then in this context that the success of ethnocentric German parties at recent elections becomes more understandable. In the future, their importance could grow and they might attract a larger share of the vote even among the younger generation if the turn to nationalist politics among the Italian population continues (*Forza Italia*, MSI) and political and economic difficulties that might occur in future will be interpreted along ethnopolitical lines. From this point of view, the failure to establish an ethnically indifferent civic identity in South Tyrol might prove to have severe repercussions. As of now, this fear is merely speculative.

Summary: The Success of the South Tyrolese Consociation

The South Tyrol conflict was primarily an ethnic conflict, in which one ethnic group – South Tyrolese German-speakers – challenged the Italian state over its apparently discriminatory policy against an ethnic minority that had been annexed to the Italian polity after the First World War. Again, the conditions under which the conflict developed and was eventually reduced to such a level that it could be dealt with inside a consociational democracy had various internal and external sources.

The way towards the conclusion of a final settlement was very complicated. Throughout the 1960s, the Italian state conducted negotiations with the Austrian government on a bilateral level and the SVP as the representative of the South Tyrolese German speakers in the Commission of Nineteen. Simultaneously, Austria and the SVP maintained open lines of communication. Although their relationship was not always free of tensions, especially during the period of the social democratic government before 1965, they co-ordinated their negotiations strategies. An initial agreement reached between the Austrian and Italian governments in 1964 failed to get the approval of the German-speaking South Tyrolese, but this did not lead to a break-up of negotiations. The Italian government maintained its links to Austria, and simultaneously intensified the process of direct engagement with the SVP. Through

this two-level approach it was possible to negotiate the substance of the settlement with those directly concerned, namely the German-speaking South Tyrolese, while the implementation and guarantee procedures were addressed by the two governments. This way, a complex, and generally satisfying settlement was reached, which included a double arbitration mechanism in case of future disagreements – internally in the form of a standing commission adjoined to the office of the Prime Minister and internationally with the option to approach the International Court of Justice.

Three major factors can be named that have particularly contributed to the successful negotiation and implementation of a settlement – the atmosphere of compromise among the negotiating parties Austria, Italy, and South Tyrolese Germans; the lack of inter-ethnic hatred which reduced the conflict to a minority-state dispute; and the Austrian encouragement of the German population to settle for a solution within the confines of the Italian polity and the government's active contribution on the international and bilateral levels to achieve such a solution.

Further factors that need to be taken into account are the prosperous state of the South Tyrolese economy with comparatively low levels of unemployment. This rather favourable economic situation made, and still makes, sufficient resources available and prevents severe ethnic competition in economic terms, not least because of the still existing ethnic division of labour and the specific demographic structure of South Tyrol.

In addition to that, the speedy success with which the Italian government managed the major violent outbursts in the early 1960s and the commitment of all major political players to a settlement of the problem despite recurring violence in the late 1970s and 1980s had a positive impact on the management of the South Tyrol conflict.

Equally significant for the eventual solution was the fact that there was only one major political party among the German-speaking population in the province. The political and to some extent civic dominance of the SVP and its policy of seeking a settlement within the Italian

polity made the negotiation process from the beginning more likely to succeed and eventually brought about the desired results.

Table 15: Conditions Accounting for the Success of the Consociational Approach to Conflict Settlement in South Tyrol

- **In Italy:**
 - ❑ Two-level negotiation approach of the Italian government, including both the South Tyrolean and the Austrian government in the settlement process
 - ❑ Greater preparedness to compromise after the swift containment of violence
 - ❑ Acceptance and gradually full implementation of a comprehensive settlement with a double arbitration mechanism
 - ❑ Development of an asymmetric framework of regional structures and different autonomy statutes across Italy
- **In Austria:**
 - ❑ Commitment to continue settlement efforts despite the difficult bilateral relationship with Italy
 - ❑ Encouragement of the political leadership of the SVP to settle for an inner-Italian solution
 - ❑ Constant consultations with representatives of the German-speaking minority during the negotiation process and subjection of any agreement to their consent
 - ❑ Policy of strict non-interference once a settlement had been reached, except in areas where the settlement provided for Austrian engagement
 - ❑ Official settlement of the dispute with Italy only after consultation with the South Tyrolean
- **In South Tyrol:**
 - ❑ High degree of political consensus among German-speaking population and virtual monopoly position of the SVP
 - ❑ Decreasing level of inter-ethnic tensions
 - ❑ Economic prosperity of South Tyrol
 - ❑ Ethnic division of labour
 - ❑ Ethno-demographic segmentation of the population
 - ❑ Growing cross-communal regional allegiance and interest structure
- **International Context:**
 - ❑ Bilateral commitment to finding a mutually acceptable solution
 - ❑ Sensitivity towards the constraints within which each side was operating
 - ❑ International encouragement to settle the conflict peacefully
 - ❑ Built-in guarantees for international mediation in case of disputes over the implementation of the 'Paket' solution
 - ❑ Opportunities offered by European integration and Austria's accession to the European Union

VII. Northern Ireland

Chronology of Key Events

Northern Ireland

1169	Norman Conquest of Ireland begins.
1366	Statutes of Kilkenny: Aimed at stopping assimilation of English in Ireland into Gaelic culture.
1534	Rebellion of the Earls of Kildare.
From 1562 onwards	Elizabethan Wars in Ireland.
1583	Munster rebellion against military regime in Ireland.
1595-1601	O'Neill and O'Donnell rebellion: After initial success, the uprising is defeated at the Battle of Kinsale.
1607	Flight of the Earls.
1609	Beginning of the plantations of Ulster.
1641	Catholic-Gaelic rebellion to regain land confiscated for Protestant settlers.
1649/1650	Cromwell's army defeats rebellion, Catholic landowners are exiled to Connaught.
1688-1689	Siege of Derry.
1690	Battle of the Boyne: William III of Orange defeats James II.
1782	Irish parliament wins legislative independence from Britain.
1791	Society of United Irishmen is founded.
1795	Loyal Orange Institution (i.e., Orange Order) is formed.
1798	Rebellion of the United Irishmen.
1801	Act of Union.
1814	Apprentice Boys of Derry formed.
1829	Catholic Emancipation Act: Abrogation of the last penal laws against Catholics.
1845-1851	Great Famine.
1858	Formation of the Irish Republican Brotherhood.
1870	First Land Act introduced in Westminster Parliament.
1879	Irish National Land League formed.
1886	First Home Rule Bill defeated.
1905	Foundation of Sinn Féin.
1912	Formation of Ulster Volunteer Force.
1916	Easter Rising in Dublin.
1919-1921	Anglo-Irish War of Independence.
1920	Government of Ireland Act.
1921	Treaty of Peace between Great Britain and Ireland.
1921-1923	Irish Civil War.
7 December 1922	Six counties of Northern Ireland opt out of the Irish Free State.
1926	Foundation of Fianna Fail.
1933	Foundation of United Irish Party (later Fine Gael).
1937	Irish Constitution approved in a referendum, including two articles that claim sovereignty over the whole island of Ireland.
1949	Establishment of the Republic of Ireland which leaves the Commonwealth.
1949	Ireland Act guarantees Northern Ireland's position in the United Kingdom.
1956-1962	IRA Border Campaign.
1964	Campaign for Social Justice formed, which was later to be succeeded by NICRA.
1966	Ulster Volunteer Force formed.
1967	Formation of NICRA.
1968	First Catholic civilian killed.
1969	First Protestant Civilian, first RUC officer, and first IRA members killed. First bomb attacks.
1971	First member of the British Army killed.
30 January 1972	Bloody Sunday.
1973-1974	Power sharing executive established, implementation of Sunningdale Agreement. UWC strike brings an end to the initiative.
1975-1976	Constitutional Convention fails to reach a settlement.
1977-78	Devolution initiative by Roy Mason.
1980	Devolution initiative by Humphrey Atkins.
1982-1984	Rolling Devolution attempt by James Prior.
1985	Anglo-Irish Agreement.
1986	Libyan arms shipment for the IRA.
1988 onwards	SDLP-SF talks.
1991-1992	Brook/Mayhew initiative.
1993	Hume/Adams Initiative. Downing Street declaration.
1994	IRA and CLMC cease-fires.
1995	'New Framework for Agreement' produced by British and Irish governments.
1996	IRA cease-fire breaks down.
	Elections to the Peace Forum and beginning of talks process.
1997	IRA cease-fire reinstated. Sinn Féin admitted to peace talks. DUP and UKUP leave peace talks.
1998	Good Friday Agreement. Referendums in Northern Ireland and the Republic of Ireland approve the agreement.
	Elections to the new Northern Ireland Assembly as first step of implementing the Good Friday Agreement.
1998-1999 (April)	The issue of decommissioning of paramilitary weapons creates a deadlock in the set-up of the Northern Ireland Executive because the UUP refuses to sit in an executive with Sinn Féin before the beginning of IRA decommissioning.

As a result of the partition of a formerly colonial British territory in 1920, Northern Ireland is constitutionally a part of the United Kingdom, yet geographically it is located on the island of Ireland. Consisting of six counties, its population is just over 1.5 million. For almost eighty years after partition, a conflict has existed between one section of the population in Northern Ireland that aimed at the restoration of a united Ireland, and another section and the British state seeking to secure the union between Northern Ireland and the United Kingdom. This conflict about fundamentally different political aspirations has been exacerbated by inequalities between the Unionist and Nationalist communities, by the wounds inflicted through violence, but also by increasing intra-communal diversity. 'Nationalist' and 'Unionist' are terms that refer very broadly to the political divide in Northern Ireland. This political divide, to some extent, coincides with the religious divide into Catholic and Protestant congregations. Considering the conflict in Northern Ireland to be about political rather than religious aspects of ethnic identity, that is, about conflicting notions of national belonging, I will generally refer to political rather than religious communities throughout the following.

The violent escalation after almost fifty years of Protestant majority rule forced the political actors in Northern Ireland, including the Irish and British governments, to seek solutions to the problem. After thirty years of failure to find an overall acceptable settlement, the Good Friday Agreement of 1998 provides some hope that a stable institutional framework has been found to address the grievances, anxieties, and hopes of both communities in Northern Ireland at last.

Inter-Communal Relationships in Northern Ireland, 1968-1998

The central problem of inter-communal relationships in Northern Ireland is the fact that the mere existence of another community is perceived as a threat by the other, yet both communities, because of the territorial and demographic mix, depend upon one another in resolving their differences and achieving a stable settlement of the conflict.⁴⁹⁶ While recent

⁴⁹⁶ Cf., for example, Karin Eyben, Duncan Morrow, and Derrick Wilson, *A Worthwhile Venture? Practically Investing in Equity, Diversity, and Interdependence in Northern Ireland* (University of Ulster, 1997).

United Kingdom government policy in Northern Ireland has generally acknowledged this as a fact and pursued policies both to develop each community separate from the other one as well as to encourage inter-communal co-operation, relationships between the communities have not improved significantly over the past three decades.

In order to understand why this is the case and why the nature of the relationship between Catholics and Protestants, Nationalists and Unionists, Republicans and Loyalists is a factor of such importance for the development of the conflict, it is necessary to examine four issues – demographic developments, including segregation patterns, the degree of (in)equality between them, the balance of political power between the communities, and the impact of violence on inter-communal relationships.⁴⁹⁷

Demographic Developments⁴⁹⁸

The significance of demographic processes can be demonstrated in a variety of ways, most of which are related to the perception by each of the two communities of its own present and future situation in Northern Ireland and, to some extent, of the conflict as a whole and of the developments it will undergo in the years to come. For the Nationalist/Catholic community, the actuality of being in an absolute minority position, not only in the United Kingdom, but also in their actual homeland, because of the particular way in which the partition was carried out in 1920, left them with little hope of achieving a change in their situation for the better. The system of majority democracy that was in operation in Northern Ireland for most of the century until the dissolution of Stormont in 1972 provided the Unionist/Protestant community with a great degree of influence and power because of the commitment to majority consensus. Even after the introduction of direct rule, the Unionist community retained an effective veto to prevent a change in the constitutional status of Northern Ireland, as long as they remained the majority of the population.

⁴⁹⁷ One further aspect – the different perceptions of the nature of the ongoing conflict – needs to be considered as well. As this issue is more directly related to attempts of settling the conflict, I will discuss it in greater detail in a separate section, and now turn to an analysis of the other four issues.

⁴⁹⁸ If not otherwise mentioned, all the following data were taken from Northern Ireland census returns.

Northern Ireland has seen a steady natural increase in its population in recent decades, and within it, especially since 1971, an increase of the share of the Catholic community.⁴⁹⁹ As a result of this, the age structure of the population is very favourable, with more than fifty per cent of the people being younger than thirty-five years.⁵⁰⁰ The Protestant share in the population has decreased since about 1961, dropping between then and the 1991 census by more than fifteen per cent. A second development of this period is the increasing number of people who do not state their religion, or make use of the option to declare that they have no religion, which was introduced for the first time in the 1991 census.

Apart from the changes in the ratio between the two communities, the predominant feature of demographic developments in Northern Ireland has been the increasing segregation between Catholics and Protestants. It occurs in a variety of interrelated forms, such as residential (also known as material or territorial segregation), institutional, economic (also known as cultural division of labour), political, ideological, social, and interpersonal segregation.⁵⁰¹ The most striking fact about segregation patterns in Northern Ireland is that all but one of them have developed to rather high, although territorially differing, degrees. The one that is least developed is institutional segregation which exists primarily in the education and religious sectors and to a lesser degree in the legal practice within the two communities. So far there has been no official recognition that a society as widely and completely segregated as that of Northern Ireland can not be managed through integrated institutions. This failure has in part been responsible for the many unsuccessful attempts of achieving a settlement in the past, because the precondition of integrated institutional management, namely a more integrated society, has proven impossible to establish.

Segregation in Northern Ireland varies between local government districts and between urban and rural areas. While certain areas in Northern Ireland have had a majority of one

⁴⁹⁹ Official census data for 1981 show a decline of the Catholic population, and for 1991 a steep increase. Both developments must be seen in the context of a widespread Nationalist boycott of the 1981 census.

⁵⁰⁰ This has not always been the predominant trend since (accessible) records began in 1861.

community for centuries because of the particular interaction of historical factors with social, economic, and political ones, more recent studies of segregation patterns suggest that its primary causes are to be found in the political situation, i.e., considerations about safety and community solidarity.⁵⁰²

In more general terms, segregation is an instrument to control and resist a situation that is perceived as threatening. Ways in which functions of segregation manifest themselves are the creation of safe areas for a somewhat normal community life, including political, economic, and legal/judicial aspects and the determination of the degree of contact with the respective other community. Segregation as resistance is closely related to aspects of control – resistance is aimed at neutralising attempts to impose another community's preferences (dominance), but is also aimed at eliminating the dangers of community disintegration.⁵⁰³

Another indicator of the present level of segregation is the percentage of mixed marriages in Northern Ireland.⁵⁰⁴ The response, or lack of it, by Northern Ireland institutions to

⁵⁰¹ Marie Smyth, "Borders within Borders: Material and Ideological Segregation as Forms of Resistance and Strategies of Control", *Templegrove Conference Papers*, <http://www.cain.ulst.ac.uk/issues/segregat/temple/confer2.htm>.

⁵⁰² In Belfast, for example, residential segregation seems to have been a characteristic feature at least since the beginning of this century. The first available figures are those for 1911, and they show forty-one per cent of Catholics and sixty-two per cent of Protestants living in segregated quarters, with these figures rising until 1969 to fifty-nine per cent and sixty-nine per cent, respectively. Cf. Brendan Murtagh, "Is Segregation Desirable?", *Templegrove Research Paper*, <http://www.cain.ulst.ac.uk/issues/segregat/temple/discuss2.htm>. By 1993, of fifty-one wards in Belfast, eighteen had less than ten per cent Catholics, including fourteen with two per cent or less; while twelve wards had less than seven per cent Protestants, including six of them that were exclusively Catholic. Of the remaining twenty-one seemingly integrated wards, five were internally segregated by peace lines, while seven had once had a predominantly Protestant population, many of which were moving away. Cf. David McKittrick, "Apartheid Deepens on the Streets of Ulster", *The Independent on Sunday*, 21 March 1993.

⁵⁰³ A study of thirty-nine towns revealed, for example, that seventeen of them showed criteria of high segregation in terms of dominance. Considering now that these seventeen towns contained seventy-eight per cent of Northern Ireland's urban population, it becomes clear that more than three-quarters of the urban population have been exposed to the benefits and disadvantages of group dominance. The process of 'greening' in urban areas, i.e., the influx of Catholics and the subsequent change in the population ratio, has increased the Catholic isolation index (the degree to which Catholics live in predominantly Catholic areas). Protestants, on the other hand, whose isolation index should have decreased, used segregation as an instrument of maintaining their degree of isolation from Catholics, and with it the existing majority-minority ratio of dominance by moving to, and preserving, predominantly Protestant living quarters. These findings are backed by earlier and later case studies of particular urban areas. An analysis of population movements in Derry/Londonderry found a changing group ratio as a result of an increase in the number of Catholics and a simultaneous decline in that of Protestants, a parallel inner-city migration of Protestants to 'safe' areas, and an increasing communal segregation. Marie Smyth, "Borders within Borders: Material and Ideological Segregation as Forms of Resistance and Strategies of Control", *Templegrove Conference Papers*, <http://www.cain.ulst.ac.uk/issues/segregat/temple/confer2.htm>. A study of ethnic residential segregation between 1911 and 1981 has demonstrated that an accurate measurement and evaluation of segregation depends on the criteria selected, such as dissimilarity, dominance, isolation, and exposure. Cf. Michael A. Poole and Paul Doherty, *Ethnic Residential Segregation in Northern Ireland* (Coleraine: University of Ulster/Centre for the Study of Conflict, 1996).

⁵⁰⁴ A 1996 study on the institutional responses to mixed marriages indicated a percentage of 2.3%, based on the 1991 census, throughout Northern Ireland; while data based on an analysis of the 1993 Social Attitude survey showed the

the occurrence of mixed marriages reveals that the churches, in general, find it difficult to accept and handle mixed couples, that the education system, although bearing great potential through the introduction of integrated schools, has not found itself able to develop a comprehensive strategy to cater for the needs of children from mixed marriages, and even the Northern Ireland Housing executive, although it has developed formal structures to deal with community relations and discrimination, has not been able to apply a consistent approach to the challenges – both positive and negative – mixed marriages pose in Northern Ireland.⁵⁰⁵ Institutions, in their failure to respond adequately to instances of social segregation, more or less encourage it.

Although the high and steadily increasing degree of segregation suggests that it is perceived as desirable for the variety of reasons outlined above, there are also unintended negative side effects to it in relation to security concerns. Segregation can not guarantee the community's safety. Living in a highly segregated area or ward means confessing one's religious/political/ethnic identity in public. The designation of an area as Catholic or Protestant makes it, to some extent, even more likely that attacks on the community as a whole and/or on individual members occur. This, however, can somehow be countered by the possibility of more active 'security measures' taken by the community and of a collective responsibility for, and pool of, resources of defence. Similar side effects exist for the economic and social development of the segregated community.⁵⁰⁶ The high levels of segregation in Northern Ireland indicate that the two communities are, to a significant degree, unassimilated. There is little doubt about the fact that segregation is widely desired as a means to take control of one's community's situation at residential levels and beyond. The desirability of segregation is based upon the assumption

regional differences ranging from 8.4% in Belfast to 6.2% in the eastern Counties and 2.2% in the western ones. Cf. Valerie Morgan et al., *Mixed Marriages in Northern Ireland. Institutional Responses* (Coleraine: University of Ulster, 1996).

⁵⁰⁵ Ibid.

⁵⁰⁶ Brendan Murtagh, "Is Segregation Desirable?", *Templegrove Research Paper*, <http://www.cain.ulst.ac.uk/issues/segregat/temple/discuss2.htm> has shown that there is a higher proportion of per capita incomes under £5,000 per year (sixty-nine per cent in highly segregated areas as compared to forty-five per cent overall), of unemployment (thirty-one per cent as compared to fourteen per cent), of dependency on income support (forty-one per cent as compared to twenty-one per cent). Similar figures exist for the education sector, where of the economically active population in all of Northern Ireland twelve per cent had achieved A-level standard and another twelve per cent a university degree as highest qualification, while the respective figures for highly segregated areas were two per cent and one per cent.

that it, and only it, allows communities their identity and safety, thus outweighing the inevitable repercussions of deprivation and stigmatisation. The question that remains is whether it is desirable for Northern Ireland as a whole to stop this trend of further segregation or even to reverse its current levels. The answer depends upon the kind of settlement that is envisaged for the conflict. As long as the institutional level of segregation does not approximate segregation levels in other areas of society, a stable settlement is likely to be impossible. There are two solutions to this problem. One is to reverse the existing level of segregation and thus to create a situation in which institutional integration has a match in society. The other solution would be to increase the level of institutional segregation and enable each community to take care of its own affairs as widely as possible.

Equality and Perceptions of Discrimination and Deprivation

Discrimination and deprivation are two factors that contribute strongly to the emergence, escalation, and continuation of ethnic conflicts.⁵⁰⁷ The fact that deprivation is very often perceived as a result of a deliberate policy of discrimination by those who are, or feel, deprived does not establish the actuality of a causal relationship. Only if there is an actual link between discriminatory policies with deprivation will a policy of affirmative action and/or equal opportunities improve the situation. Where reasons for deprivation lie in other areas (e.g., structural disadvantages of a certain region), other policies are needed.

In the context of ethnic conflicts, it is important to realise that it is not necessarily the actual levels of discrimination and deprivation that contribute directly to the conflict, but group and individual perceptions of who is discriminated by whom, and who is deprived of what good

⁵⁰⁷ Discrimination is a deliberate policy for or against individuals or groups based on criteria defined by those who discriminate. Discrimination can be negative, in this case individuals or a group are singled out to worsen their situation. However, it can also be positive, i.e., individuals or a group can be singled out for preferential treatment over other individuals or groups. If the latter is done to remedy past injustices and increase the equality of individuals and communities in society, it can also be referred to as affirmative action, as it is the case in the American context. Positive discrimination by a group on its own behalf has occurred in South Africa during the years of apartheid, but in its less extreme forms it can also be observed in many other countries where the ethnic composition of the population and the corresponding power balance between the ethnic groups allows one section of society to be in a dominant position. Relative deprivation, on the other hand, although it can be, and often is, the result of a deliberate policy of discrimination, is a concept to measure differences between the standard of living of one individual or group in relation to an appropriate reference person or group. To state that one group is worse off than another means observing an objective situation, but not attributing the well-being of one group to the deprivation of another.

by whom. In addition, a once severe experience of discrimination and deprivation by one group is difficult to remedy in the short term. It requires a long term effort not only to put group and individual relationships on a more equal footing, but also to create a public awareness that this process is under way, has been successfully completed, and that the status of equality, once achieved, is maintained. While all these factors have had their bearing on the situation in Northern Ireland, an additional difficulty has been that throughout the 1970s and 1980s the process of addressing differences in the standard of living between the two communities, as far as it was under way at all, coincided with an economic recession. This being the case, neither the Nationalist community could reach the same standard of living the Unionist community had had before, nor could the latter, in its entirety, maintain its previous living standard. As a result of this, tensions in Northern Ireland increased because Catholics/Nationalists did not see the expected improvement, while Protestants/Unionists attributed the decline in their living standard, at least in part, to the process of establishing equality and denounced it as unjustified positive discrimination in favour of the Nationalist community.

Deprivation is not solely dependent upon economic conditions, but also upon actual policies on the ground, and whether they are discriminatory or not. One of the issues around which the Northern Ireland Civil Rights Association (NICRA) formed was the perceived (and actual) unfair allocation of houses between members of the two communities, and not the issue of shortages in housing facilities as such. A similar case can be made for fair employment practices. While fair employment depends upon the availability of jobs in general, the distribution of available jobs among the communities does not, and employment policies along the lines of communal favours are equally unacceptable as similar housing policies. What is at stake here is the equality of opportunity – a community that is deprived of equal chances in society in such essential areas as employment and housing will naturally feel discriminated against and try to rectify this state of affairs. Northern Ireland is a good example of how patterns of deprivation and discrimination and the inability and partial unwillingness of politicians to

change them can lead to protracted violent conflict, while actual improvements in the situation do not equally lead to an end of the conflict.⁵⁰⁸

The Balance of Political Power Between and Within the Communities⁵⁰⁹

The two most important trends in relation to the balance of political power in Northern Ireland over the past thirty years are that the political influence⁵¹⁰ of Nationalist parties has grown at the expense of the Unionist community and that, at the same time the diversity of political parties within all the three party blocs – Nationalist, Unionist, and cross-communal – has increased.

The Unionist bloc consists of the UUP, the DUP, and a number of smaller, and over time different, Unionist parties. The two main contenders for the Nationalist vote have been, since 1982, the SDLP and Sinn Féin. Between 1973 and 1982, the SDLP competed with a number of smaller Nationalist parties. Before 1973, the Nationalist Party, the Republican Labour Party, and occasional independent candidates ran in elections. The most persistent element of the cross-communal bloc has been the APNI. Until 1977, its main competitor was the Northern Ireland Labour Party, after 1981, it was the Worker's Party, and more recently the Northern Ireland Women's Coalition. Other parties whose position can not be determined on the confessional/non-confessional scale, such as the Natural Law Party, have also contested elections. The general trend of vote distribution among the three major blocs is exemplified in figure six.

The increasing diversification within each of the blocs has had different effects. In the Unionist bloc, it has meant that the UUP, although it has managed to retain its leading position (except in European elections, where the DUP has been the strongest party since 1979), has lost

⁵⁰⁸ A good overview of the development of the housing situation is Martin Melaugh, *Majority Minority Review 3: Housing and religion in Northern Ireland* (Coleraine: University of Ulster, 1994). On (un)employment see Bob Rowthorne and Naomi Wayne, *Northern Ireland - The Political Economy of Conflict* (Cambridge: Polity Press, 1988) and A. M. Gallagher, *Majority Minority Review 2: Employment, Unemployment and Religion in Northern Ireland* (Coleraine: University of Ulster, 1991).

⁵⁰⁹ All data from <http://cain.ulst.ac.uk/issues/politics/election/elect.htm>. A good overview of party-political developments between 1969 and 1989 is Brendan O'Leary, "Party Support in Northern Ireland, 1969-1989", in John McGarry and Brendan O'Leary (eds.), *The Future of Northern Ireland* (Oxford: Oxford University Press, 1990), pp. 342-357. Similar, Brendan O'Leary and John McGarry, *The Politics of Antagonism: Understanding Northern Ireland* (London: Athlone Press, 1993), pp. 185ff.

⁵¹⁰ Measured in seats won in elections at local, provincial, and parliamentary level.

votes and seats, mostly to its main contender, the DUP.⁵¹¹ This split of Unionist votes has had the effect that the SDLP has become the party with highest percentage share in votes in the 1998 Assembly elections.

In the nationalist camp, the SDLP is unquestionably the stronger performer in elections, and has always, with some exceptions in the 1980s, won more than twenty per cent of the vote. Sinn Féin after good performance in the early eighties, lost significant electoral support after the Anglo-Irish Agreement, but could regain most of it and win new voters from the early 1990s onwards when the party managed to establish itself more credibly as a democratic, non-violent political force.⁵¹²

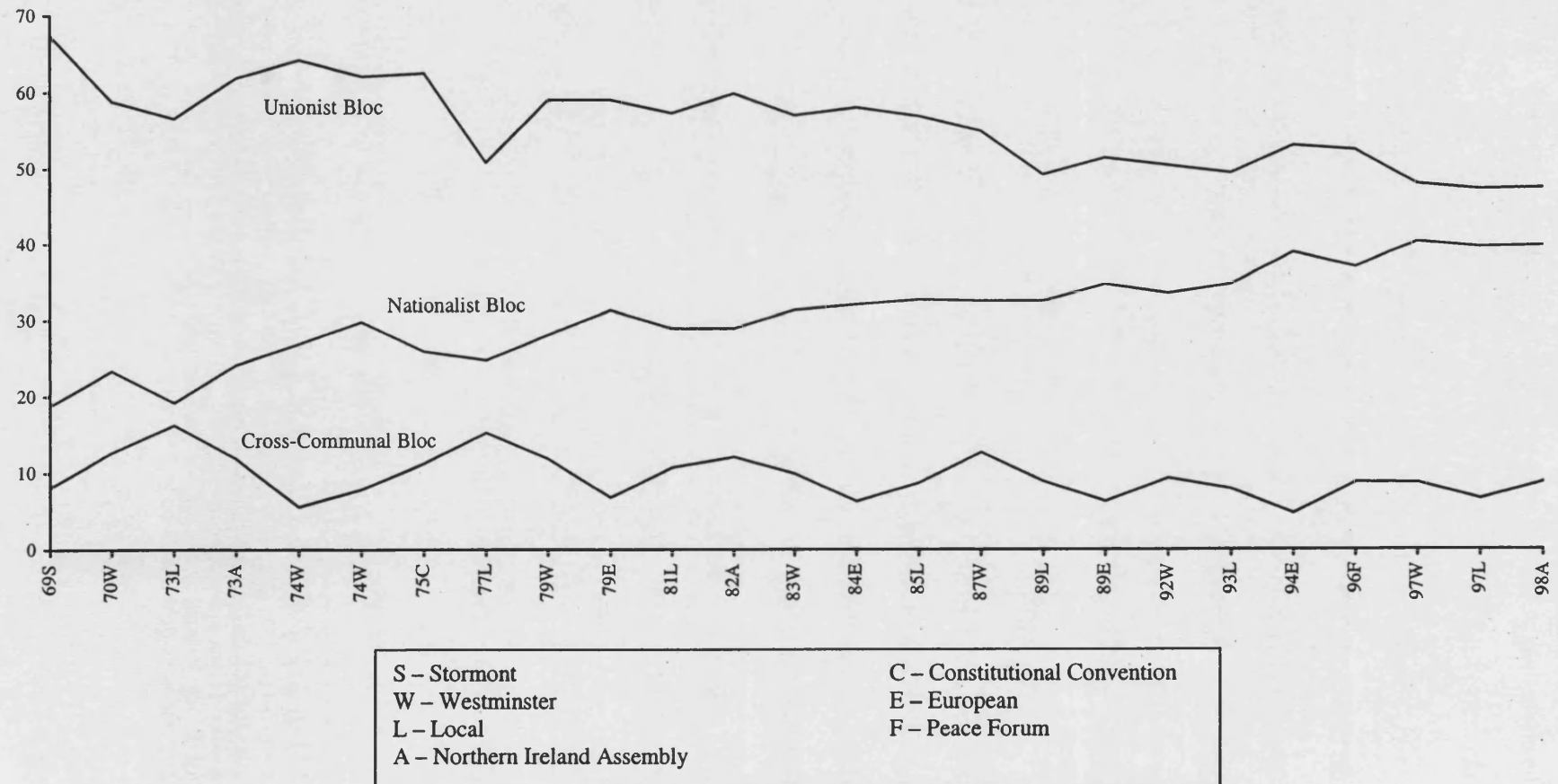
The APNI has always been the dominant party in the cross-communal sector, yet its electoral performance has only been satisfactory at local and provincial level and after the introduction of the Single Transferable Vote system (STV). The Worker's Party never had a share of more than three percent of the valid vote. The Northern Ireland Women's Coalition, however, has managed to win seats both in the 1996 Forum and in the 1998 Assembly elections.

In general, the balance of power has been altered at local and provincial toward fairer representation of the Nationalist and cross-communal vote with the introduction of STV. In parliamentary elections, the plurality system is still in operation for the eighteen Northern Ireland constituencies, but the overall increase in Nationalist votes has brought about a more balanced representation of the electorate in Westminster as well.

⁵¹¹ Only in European elections has the DUP consistently out-pollled the UUP.

⁵¹² Evans and O'Leary identify two sources of Sinn Féin support – politically the party has benefited from being identified with the 'first peace process', demographically Sinn Féin's strength is that a large number (sixty per cent) of voters belong to the 18-34 age cohort. Cf. Geoffrey Evans and Brendan O'Leary, "Northern Ireland: La Fin-de-Siècle, the Twilight of the Second Protestant Ascendancy, and Sinn Féin's Second Electoral Coming", in *Parliamentary Affairs* vol. 50, no. 4, 1997, pp.672-680, here p. 674.

Figure 6: Election Results of the Three Major Party Blocs in Northern Ireland, 1968-1998



The Impact of Violence on Community Relations⁵¹³

The Northern Ireland conflict has been among the most violent ethnic conflicts in post-World War Two West European history. It has cost more than 3,000 lives, thousands more have been injured, and millions of pounds worth of damages have been caused. Yet the impact of violence on the conflict can not only be measured in these terms. Used by the paramilitary groups of both communities to realise their goals as well as by the British state and its institutions to preserve the *status quo* and prevent further escalation, violence has not only been a symptom of the incompatibility of communal identities in Northern Ireland, but has also intensified existing tensions and kept them at a high level for the past thirty years. Violence in Northern Ireland is not only a matter of paramilitary groups, the army, and the police. It also occurs in the form of spontaneous and organised rioting and clashes between infuriated mobs and between them and the security forces. While these are better understood in terms of occasionally deteriorating relationships between sections of the two communities, the campaigns of Loyalist and Republican paramilitary organisations are a valuable source for analysing the reasoning of the radical factions in each community.⁵¹⁴ This will provide a deeper understanding of how the conflict as such is perceived and how the actions of the respective 'other' side are interpreted. Such an analysis can then be used as a further element in an informed assessment of the situation in Northern Ireland and the potential remedies for it.

Republican Violence

Violence by Republican paramilitaries has accounted by far for the greatest number of deaths in Northern Ireland as a whole. This overall picture, however, needs to be clarified in a number of important ways. Between 1969 and 1994, the time when the first cease-fires were announced in the recent peace process, Republican paramilitaries were responsible for more than half of all

⁵¹³ All figures in this section are based on Mary Therese Fay et al., "Mapping Trouble-Related Deaths in Northern Ireland 1969-1994", at <http://cain.ulst.ac.uk/issues/violence/cts/tables.htm> and on "Annual Deaths in Northern Ireland by 'Status' of Person Killed, August 1969 to December 1995", at <http://cain.ulst.ac.uk/issues/violence/death95w.htm>.

⁵¹⁴ According to O'Duffy, "changes in the intensity and targets of Republican violence can best be explained by three instrumental factors related to political context: strategic objectives, the effects of security policy (upon opportunity structures), and the organisational strength of each paramilitary group." Brendan O'Duffy, "Violence in

lives lost in the Northern Ireland conflict (58.8%), and killed more than twice as many people as their Loyalist counter-parts, and about six times as many as the security forces. Almost exactly one half of their victims (50.7%) were members of the security forces, about half from within and half from without Northern Ireland, but more than one third (37.1%) were civilians, including not only innocent bystanders, but, for example, also contract workers for the 'crown forces.' Loyalist paramilitaries, apart from the security forces, the other direct adversaries of Republican paramilitaries, accounted for only 1.5% of their victims, while infighting among Republican paramilitary organisations and splinter groups caused significantly more casualties (10.7%).⁵¹⁵

As regards the religion of Republican paramilitaries' civilian victims, the greatest number of their victims were Protestants (37.4%), which amounts to almost three quarters of all Protestant deaths in the conflict. At the same time, they were responsible for most of the deaths among people whose religion could not be established (89.4%) or among people from outside Northern Ireland (94.6%). One quarter of all Catholics killed between 1969 and 1994 died as a direct consequence of Republican paramilitary action.

Even though the status of victims – civilian, Loyalist or Republican paramilitary, security forces – suggests a non-sectarian campaign against selected target groups with a high number of civilian bystanders killed, a look at the religion of these victims reveals that, in its results, Republican paramilitary warfare had a sectarian outcome. The unwillingness and inability to understand that the perception of Republican violence among the Unionist community and in the wider British and international public would be that of sectarian warfare is reflected in the justification patterns used by Republican paramilitaries.⁵¹⁶

The major Republican paramilitary organisations are/were the Irish Republican Army (IRA), the Irish National Liberation Army (INLA), the real IRA, and the Continuity Army

Northern Ireland 1969-1994: sectarian or ethno-national?", in *Ethnic and Racial Studies* vol. 18, no. 4, October 1995, pp. 740-771, here p. 741f.

⁵¹⁵ A part of this high number of self-inflicted casualties has also been caused by prematurely exploded bombs and accidents in the production and handling of explosives.

Council. As the latter three were formed as breakaway groups from the IRA, a joint command structure among them has never existed.

Loyalist Violence

Loyalist paramilitaries have also contributed significantly to the overall death toll in Northern Ireland since 1969. Of all victims killed in the conflict, Loyalist paramilitary violence has accounted for twenty-nine per cent of them, of which 87.5% were civilians. The next highest percentage of victims were from within the Loyalist paramilitary community itself (6.5%), followed by Republican paramilitaries (4.3%), and members of the security forces (1.2%), most of them (ninety-one per cent) from Northern Ireland.

As regards the religion of their victims, Loyalist paramilitaries killed almost half of all Catholic victims in the conflict (49.6%), which equals more than three quarters (75.5%) of all victims caused by Loyalist paramilitary violence.

These figures qualify the Loyalist campaign 'in defence of their ancient rights' as one that has been strongly sectarian and very indiscriminate in the selection of targets. This was also reflected in the justification patterns used and demonstrates the very wide concept of who and what is perceived as threatening as well as the inability that it is, to some extent, the reaction to this perceived threat that produces an actual threat in response to that reaction.⁵¹⁷

The three major Loyalist paramilitary organisations are the Ulster Volunteer Force (UVF), the Ulster Defence Association (UDA), which has also operated under the cover name Ulster Freedom Fighters (UFF), and the only recently founded Loyalist Volunteer Force (LVF). UDA and UVF have operated under the Combined Loyalist Military Command (CLMC) and generally coordinated their strategy. However, during the final months of the talks process in 1997/98 the joint Loyalist command structure collapsed.⁵¹⁸

⁵¹⁶ On details of Republican justifications, Stefan Wolff, *Political and Philosophical Aspects of Strategies Justifying Violence in Northern Ireland* (Marburg: Tectum 1995).

⁵¹⁷ On details of Loyalist justifications, *ibid.*

⁵¹⁸ This has also resulted in the emergence of splinter groups that have not called cease-fires, such as the Red Hand Defenders.

Violence and Community Relations

Violence has had an impact on community relations and vice versa at three levels – segregation, polarisation, and alienation.⁵¹⁹ Violence may not be the primary cause for, or result of, either of these three dimensions of community relations, yet there is a strong inter-relation between them.

Segregation, although it has been a long-term trend has increased as a result of inter-communal violence. This was the case especially in the late 1960s and early 1970s, but on a lower level it has continued in subsequent decades. While intimidation from the 'other' community and fear of violence have contributed to increasing residential segregation, peer pressure from within one's own community has also had a share in establishing the largely segregated structure of residence in Northern Ireland today.⁵²⁰ Increasing segregation is likely to make it easier to develop and maintain stereotypes about the other community and its intentions towards one's own community. Because of this, then, there will be even less understanding for the position of the other community, which, in its rejection, increases homogeneity and solidarity within one's own community. On this basis, violence against this other community becomes more easily acceptable and justifications are more readily available.

This is also the basis upon which polarisation grows. The degree to which both communities differ in their perceptions of the nature of the Northern Ireland conflict and its potential solutions is influenced by more or less informed judgements about the other community and its political agenda. Violence and the interpretation of violent acts is likely to reinforce polarisation. At the same time, the stark polarisation between the two communities over what could be an acceptable and desirable future for Northern Ireland, and the inability to reach an agreement by peaceful means increased the preparedness of some sections within each community to engage in violence to either achieve their goals or, at least, prevent the other community from achieving theirs.

⁵¹⁹ For a specific case study on these three aspects of community relations see Andrew Hamilton et al., *Violence and Communities* (Coleraine: University of Ulster, 1990).

⁵²⁰ Templegrove Action Research Limited, Sixth Public Discussion: "The Effects of Political Violence", <http://cain.ulst.ac.uk/issues/segregat/temple/discuss6.htm>.

The lack of political progress over almost thirty years of violent conflict and the inability of the security forces to provide protection from acts of terrorist violence has also contributed, though unequally, to an increasing alienation of both communities from the British state and its institutions. While this has always been a feature of the relationship between the Nationalist community and the Stormont and later the British political systems, alienation has also affected the Unionist community, especially after the Anglo-Irish Agreement and after the recent Good Friday Agreement. The sense of being left alone with unresolved problems has triggered processes in both communities in which paramilitary organisations have partly replaced organs of the state. This is more obvious and widespread within sections of the Nationalist community, where paramilitaries not only 'protect' their community from sectarian attacks, but also police it and provide a number of community 'services.' Within the Unionist community the aspect of protection is still the strongest notion of alienation, but increasing alienation from the British state and its institutions could here, too, lead to a broader approach. Unionist alienation from Britain has its origins in the days of partition. Unlike in South Tyrol or Alsace, national political parties withdrew from campaigning in Northern Ireland, thus encouraging the build-up of an almost exclusively sectarian party system for the decades to come. The creation of a parliament in Northern Ireland was also not the preferred option of Unionists, because it marked Northern Ireland as different from the rest of the United Kingdom,⁵²¹ yet having a parliament elected by popular vote was at the same time perceived as a safeguard against a British sell-out, and thus still an option with a fairly positive connotation.

Community relations that are based on the historic experience of inequality, deprivation, and discrimination are more likely to form the background against which inter-communal violence can develop and escalate. While it has, therefore, been important to reduce the level of violence and 'to take the gun out of politics,' the various policies applied to do so have had different degrees of success and have had and will have distinct consequences. However, while there is no correlation between the reduction of inequality, deprivation, and

⁵²¹ Personal communication from Antony Alcock. See also Antony E. Alcock, *Understanding Ulster* (Lurgan: Ulster

discrimination and the general downward trend in death tolls recorded in the Northern Ireland conflict over the past two decades,⁵²² positive correlation exists in relation to increasing residential segregation but it is hard to say whether and where a causal relationship exists. Nevertheless, the reduction of death tolls since the early 1970s can be attributed to a number of factors – improved capabilities of the security forces, better security co-operation between the British and Irish governments, and changed tactics and political agendas of the paramilitary organisations and the radical political parties in both communities.⁵²³

The declaration of cease-fires by the major paramilitary organisations on both sides in 1994 and 1997 and their continuation despite opposition to the Good Friday Agreement from sections within both communities indicates that there is a growing understanding that it will not be possible to achieve any stable settlement of the conflict through violence. This, however, does not mean that the structure of community relations in Northern Ireland could not facilitate a renewed violent escalation of the conflict despite the settlement achieved in the Good Friday Agreement. Even though this may not lead to the same degree of guerrilla and sectarian warfare as before 1994, community relations could continue to deteriorate further as a result of violent eruptions. As the Good Friday Agreement is built largely on the assumption of the possibility and desirability of inter-communal co-operation, and as its implementation crucially depends upon the co-operation of both communities, violence has the potential to destroy the agreement, mostly because of the structure of communal interests and the design of the institutional process envisaged by the agreement.

Developments within Each Community

Judging from the support the different political groupings have been able to muster, a broad political basis in favour of a settlement along the lines of the Good Friday Agreement seems to

Society, 1994).

⁵²² Cf. John McGarry and Brendan O'Leary, *Explaining Northern Ireland: Broken Images* (Oxford: Blackwell, 1996), pp. 288-296.

⁵²³ A good overview of the likely factors accounting for patterns of intensity of violence in Northern Ireland can be found in Brendan O'Duffy and Brendan O'Leary, "Violence in Northern Ireland, 1969-June 1989", in John McGarry and Brendan O'Leary (eds.), *The Future of Northern Ireland* (Oxford: Oxford University Press, 1990). See also

have formed, which is currently represented by the UUP, PUP, SDLP, SF, APNI, and NIWC. Yet to either side of this middle ground, there are political forces that do not accept the agreement as the final word in the Northern Ireland conflict, and they have gained in support over recent elections. Much will depend upon whether these exclusionist forces can erode the current inclusionist majority and recreate a similar political stalemate as it has existed in various forms in Northern Ireland for the past thirty years.

The Unionist/Protestant Community

The historical roots of Ulster Unionism as a political doctrine advocating the preservation of Northern Ireland's links with the United Kingdom go back to the 1798 rebellion of the United Irishmen. The defeat of the uprising stood at the beginning of a process at the end of which the Presbyterian bourgeoisie of Northern Ireland had become re-estranged from the Catholic population and had put its hopes on a political alliance with the land owning Protestant aristocracy.

In its modern form, Unionism has been used as an umbrella term for a variety of different political ideologies that share the rejection of a united Ireland and the preference for British sovereignty over Northern Ireland. The two strands most commonly identified are Ulster Loyalism, with an emphasis on the distinct culture of Ulster and on the political links with the British state, and pro-British Unionism, which prioritises the links with Britain and has less strong patriotic feelings about Northern Ireland.⁵²⁴ The first tradition is most strongly expressed in the ideology and politics of the Democratic Unionist Party, while the second tradition finds its corresponding party in the Ulster Unionist Party.

Until the late 1960s, the Unionist Party was the dominant force within its community, but the beginning of the 'Troubles' marked the end of political and ideological homogeneity of Unionists/Protestants, in a similar development that had almost led to the split of the SVP in South Tyrol. In 1970 the Democratic Unionist Party, led by the Moderator of the Free

chapter seven in McGarry and O'Leary, *Explaining Northern Ireland*, and chapter seven in McGarry and O'Leary, *The Politics of Antagonism*.

Presbyterian Church, Ian Paisley, emerged from the Ulster Protestant Party. While the DUP is still a major political force in Northern Ireland today, other parties created around that time have been rather short-lived. Vanguard, the Unofficial Ulster Unionist Party, the United Ulster Unionist Party, the Pro-Assembly Unionists, and others who came into being as a result of splits within, and subsequent break-ups from, the Unionist Party contested a number of elections successfully before either re-uniting with the now Ulster Unionist Party by the end of the 1970s or became electorally insignificant.

The Ulster Unionist Party

The UUP's identification with the union, although conditional upon its functioning as a safeguard as well, is primarily civic and in terms of the political institutions and values for which the union is a symbol to them. The increasing political and ideological distance from the DUP has prevented, in recent years, and in contrast to the 1980s, meaningful political coalitions between the two parties to maximise their political influence. The UUP, as a representative of a less culture-orientated Unionism, has been able to follow a more flexible approach in politics.⁵²⁵ This has become apparent since the beginning of the talks process that ended with the conclusion of the Good Friday Agreement. The orientation towards liberal British traditions and institutions has led the UUP to understand that certain changes in the *status quo* will be necessary to achieve a sufficiently broad cross-community consensus upon which a stable settlement can be built. The differences within the party that have emerged in this process are not so much differences about the need to build such cross-communal consensus, but rather about the degree to which the UUP, and in some sense the Unionist/Protestant community as a whole, should compromise on some of the basic principles of Unionism. The majority of the UUP's political leadership, in contrast to the parliamentary party, has, since the late 1980s, cautiously embraced the evolving talks process. Firmly committed to preserving the union with

⁵²⁴ Jennifer Todd, "Two Traditions in Unionist Political Culture", in *Irish Political Studies*, 2 (1987), pp. 1-26.

⁵²⁵ There had been some signs of greater flexibility in the 1991-92 negotiations, but the first significant indication of this new approach was the party's document "A Blue Print for Stability", which was published in February 1994 (one year after the *Joint Declaration*, which had been rejected). Subsequently, a number of Unionist positions put forward in this document were reflected in the Framework Documents of 1995 and eventually in the Good Friday Agreement.

Great Britain, to avoiding the sharing of executive responsibilities with the Republic of Ireland, and to preventing a formal veto right for the Nationalist community in the political process in Northern Ireland, the UUP remained in the talks process even after the admission of Sinn Féin.⁵²⁶ The Good Friday Agreement was signed, and subsequently supported by a majority of the party's executive council, as a document that, according to the UUP's view, had achieved these three basic aims.⁵²⁷ Consequently, the party actively engaged in the Yes-campaign and conducted its campaign for the assembly elections along this interpretation of the Good Friday Agreement as a victory for, rather than a threat to, Unionism.⁵²⁸ With this double strategy of endorsing the Good Friday Agreement and simultaneously defending its position as a guardian of Northern Ireland's position within the United Kingdom, the UUP managed to win twenty-eight seats in the new assembly, thus becoming the strongest party.⁵²⁹

The Democratic Unionist Party

Throughout the 1970s (and before that in its predecessor, the Ulster Protestant Party) the membership of the DUP had a mostly rural, fundamentally Presbyterian background. Since the 1980s, the party has undergone a process of partial secularisation and has come to include urban, well-educated, and less religion-based sections in its membership as well. This has created frictions over policy-making and agenda-setting, and has contributed to tensions between the increasingly urban middle-class leadership of the party and its core electorate of either urban working class or rural farmers. What unites the party after all is the common perception of being isolated and besieged by enemies within the province, in form of the

⁵²⁶ The UUP had insisted upon elections to the Peace Forum in 1996, instead of a less formal arrangement for the talks process.

⁵²⁷ See, for example, "Speech by Rt. Hon. David Trimble to the Northern Ireland Forum, 17 April 1998", <http://cain.ulst.ac.uk/events/peace/docs/dt17498.html>

⁵²⁸ Ulster Unionist Party, "Secure the Union, Build Our Future" (UUP Assembly Election Manifesto), <http://www.uup.org>.

⁵²⁹ However, there is a strong possibility that some of those elected as UUP candidates may well side with opponents to the Good Friday Agreement on a number of issues. In addition, the number of seats secured by the UUP was initially equal to that of the anti-agreement unionists (twenty DUP, five UKUP, and three independent Unionist members of the new assembly), but has subsequently become smaller because of the resignation of one of its members from the party. From a percentage point of view, the UUP has lost its top position to the SDLP. While this signifies, to some extent, a further decrease in the UUP's popularity and attractiveness of its policies in the wider Unionist community, it is also an indication of the political and ideological diversification of Unionism that manifests itself in a differentiation of the party-political system.

Republic of Ireland, certain parts of the British political establishment, in particular Labour, the European Union, the United States, and so on. Even though justifications of why the union with Great Britain is needed differed in recent years within the party, there still seems to be a common understanding that the political allegiance to the United Kingdom provides the best safeguard against incorporation into the Irish Republic. This Ulster loyalist tradition has been described as being primarily loyal 'to the Crown, rather than Parliament, provided the Crown defends Protestant liberties in Ulster.'⁵³⁰

It is against the background of primarily cultural identification with Ulster and only secondary political identification with the British state that the DUP has opposed any changes to the *status quo* and an end of majority rule in Northern Ireland. Successive negotiation initiatives have been rejected or disrupted by the DUP, or, whenever they were concluded successfully, their outcome was prevented from coming to fruition.⁵³¹ Recent DUP political ideology has centred around very few issues, such as 'Dublin Rule' (title of the 1997 Westminster election manifesto), terrorism and decommissioning, prisoners, and policing, all of which are presented from an extremely biased and self-righteous position.⁵³² Although the 1998 referendum was the first time that a Nationalist-Unionist bloc out-voted the hard-line Unionist position, the campaigns that the DUP has conducted has been rather successful both in the referendum on the Good Friday Agreement in May 1998 and in the Assembly elections in June. Capitalising on the historical distrust of some sections of the Unionist community and the increasing alienation from British Northern Ireland policy and its results in recent years, the DUP managed to mobilise a significant amount of no-voters in the Unionist community and won twenty out of

⁵³⁰ McGarry and O'Leary, *Explaining Northern Ireland*, p. 112.

⁵³¹ The DUP Leader, Ian Paisley, was at the forefront of the UWC strike in 1973 that brought down the structures established by the Sunningdale agreement. The 1985 Anglo-Irish Agreement met the fierce opposition just as much as the 1993 *Joint Declaration* and the 1995 Frameworks Documents. Cf. Democratic Unionist Party, "Proposal for a Constitutional Convention: Breaking the Logjam, September 1993", <http://www.dup.org.uk/proposal.htm>, and Democratic Unionist Party, "Proposal for a Constitutional Convention: A Better Way", January 1995", <http://www.dup.org.uk/proposal.htm>.

⁵³² See for example, the DUP Assembly Manifesto 1998, the DUP Manifesto 1997, the 1996 Local Government Manifesto, the 1993 Constitutional Manifesto, and DUP briefing documents on "Consent", "Sinn Féin and the IRA", and "Understanding Events in Northern Ireland. An Introduction for Americans", all of which are available at <http://www.dup.org.uk>.

the one hundred and eight seats in the new assembly with the premise to obstruct the implementation of the Good Friday Agreement.

Other Unionist Parties

Three other Unionist parties exemplify the trend of diversification – the United Kingdom Unionist Party (UKUP), the Ulster Democratic Party (UDP), and the Progressive Unionist Party (PUP).

The UKUP, led by Robert McCartney, has been represented at Westminster since 1995, when McCartney won the North Down seat in a by-election after the death of the previous MP from the Ulster Popular Unionist Party. At Westminster the UKUP took the Labour whip, but did not follow that party's policy on constitutional issues. The UKUP has been fiercely opposed to the Framework Documents⁵³³ and the direction of the talks process, eventually pulling out of it in September 1997 after Sinn Féin had been admitted. In relation to the 1995 Framework documents, the party targeted, in particular, all proposals aimed at the establishment of any form of Irish involvement in the affairs of Northern Ireland. As the party favours the legislative integration of Northern Ireland with Great Britain, it also rejected the establishment of a Northern Ireland Assembly as a further step of disintegration and distancing the province from the UK mainland. Politically the UKUP is closer to the DUP than to other Unionist or Loyalist parties in Northern Ireland and has increasingly distanced itself from the British Labour Party as well. With a clear No-agenda, the UKUP contested the elections to the Northern Ireland Assembly on 25 June 1998 and won five seats in the new assembly.⁵³⁴

The Ulster Democratic Party is one of the smaller loyalist parties representing mostly working class interests. Because of its affiliation with the paramilitary UDA, it has played a significant, yet not always entirely successful role in the talks process. While the party has

⁵³³ Cf. in detail Robert McCartney, *The McCartney Report on the Framework Documents*, <http://www.ulsterorg.uk/ukup/reports>. Also, Robert McCartney, *The McCartney Report on Consent*, <http://www.ulsterorg.uk/ukup/reports>. The following information about the UKUP's ideology and policy is mostly taken from these two reports published in 1997. A more detailed discussion of content and impact of the Framework Documents will be provided in the section "From the Framework Documents to the Good Friday Agreement" below.

retained a strongly pro-union position throughout the talks process, it has also seen the peace process as an opportunity, rather than as a threat. In a response to the British and Irish governments' 1995 Framework documents, the UDP rejected the entire content of the proposals, but insisted that there was nevertheless an opportunity to engage in dialogue.⁵³⁵ Even though the UDP was part of the successful Yes-campaign for the referendum, it did not manage to win a single seat in the new assembly.

The Progressive Unionist Party (PUP) was founded in 1977, 'to fill the obvious gap that existed in relation to the Loyalist working class which was being under-represented and misrepresented.'⁵³⁶ Although the party was affiliated with the paramilitary UVF/UFF, it accepted the principle of sharing responsibility with Nationalists on the basis of consent early on, but rejected any form of interference from the Republic of Ireland or any formal co-operative structures between the United Kingdom and the Republic with regard to Northern Ireland. Nevertheless, party policy and strategy began to change and the PUP has actively participated in the talks process, accepted the presence of Sinn Féin in it,⁵³⁷ and distanced itself on more than one occasion from other Unionist parties opposed to negotiations over the future of Northern Ireland.⁵³⁸ The party has endorsed the Good Friday Agreement as an opportunity for Unionists to take part in the shaping of the future of Northern Ireland⁵³⁹ by securing the union of Northern Ireland with Great Britain, through the Nationalist community's and the Republic of Ireland's acknowledgements of the principle of consent on the constitutional status of the province, and by guaranteeing the future assembly's right to determine the scope of North/South co-

⁵³⁴ This success has not prevented the split of the party in early 1999, which left McCartney isolated with the members of his parliamentary party alleging that he had planned to withdraw the UKUP from the assembly. Cf. Brendan O'Leary, "The Nature of the British-Irish Agreement", in *New Left Review* no. 233 (1999), pp. 66-96.

⁵³⁵ This was mainly justified with reference to the party's conviction that a refusal to talk would have destabilising consequences not only for the Unionist community, but also for Northern Ireland as a whole and for its relationship with Great Britain. (See Ulster Democratic Party, "Response to the Government Framework Documents", <http://www.udp.org/framework.htm>.) For the same reason, the party engaged actively in the 1997/98 talks process and endorsed the Good Friday Agreement as strengthening the union with Great Britain, facilitating cross-community co-operation, and promoting realistic co-operation and policy co-ordination with the Republic of Ireland. (See Ulster Democratic Party, "What the Agreement Actually Contains", <http://www.udp.org/what.htm>.)

⁵³⁶ Progressive Unionist Party, "Party Origins", <http://www.pup.org/origins.htm>.

⁵³⁷ "Speech by David Ervine", <http://www.pup.org/speech1.html>.

⁵³⁸ See for example, Billy Hutchinson and David Ervine, "Letter to the Editor, May 1996", <http://www.pup.org/letter.html>; Billy Mitchell, "Statement on Behalf of the PUP Executive Council", <http://www.pup.org/agree2.html>; David Ervine, "Press Statement, 20 January 1998", <http://www.pup.org/state2.html>.

operation.⁵⁴⁰ In the assembly elections on 25 June 1998, the PUP secured two seats for its candidates.

Both the UDP and PUP have, earlier than the two main Unionist parties, shown signs of compromise and preparedness to engage in negotiations. Although representatives of both parties rejected the Framework Documents, they indicated at the same time that they would be willing to talk, if not based on these documents, then at least about how a mutually acceptable basis for negotiation could be reached.⁵⁴¹

The party-political diversity of Unionism reflects the fact that it now 'accommodates a number of divergent and contradictory ideological impulses and political interests sharing little in common save for a commitment to the Union itself.'⁵⁴² The broad spectrum of forms of identification with the United Kingdom, of conditions upon which loyalty is made dependent, the great number of interpretations given by Unionist parties of the situation in Northern Ireland and its potential remedies, and the variety of policies pursued by them to secure a future for their community does not allow too many generalisations about the nature of Unionism. For example, suggestions that Unionism was 'more interested in statehood than in nationhood'⁵⁴³ might be true for one section of Unionism, but not for another.

It remains to be seen whether those elements that are common to Unionist identity, such as the rejection of Irish unification, will lead to closer co-operation among Unionist parties in the future, or whether those aspects that distinguish the various streams of Unionism from one another will be reinforced. While Unionists will always share their common origin, memories and the way in which they are interpreted, the political consequences of greater or lesser polarisation within Unionism will be rather different. They range from the possibility of radicalisation of some or all sections of Unionism to the marginalisation of either the moderate

⁵³⁹ Progressive Unionist Party, "The Good Friday Agreement", <http://www.pup.org/agree.html>.

⁵⁴⁰ Progressive Unionist Party, "The Reality of the Agreement", <http://www.pup.org/agree3.html> and Progressive Unionist Party, "The Union Is Secure", <http://www.pup.org/agree1.html>.

⁵⁴¹ A summary of the UDP and PUP positions can be found in Nicholas Watt, "Fringe Loyalists Attack 'Kneejerk' Reaction to Leak", *The Times*, 3 February 1995.

⁵⁴² Colin Coulter, "The Character of Unionism", in *Irish Political Studies*, 9 (1994), p. 7.

⁵⁴³ Arthur Aughey, *Under Siege: Ulster Unionism and the Anglo-Irish Agreement* (Belfast 1989), p. 18.

or hard-line elements. The outcome of this process will partly depend on the success of the implementation of the Good Friday Agreement and in turn shape this process and potentially the way in which the institutions provided by the agreement will operate.

The Nationalist/Catholic Community

The origins of Nationalist, and Republican, ideology can be traced back to the late eighteenth and early nineteenth centuries. Irish nationalism, as the striving for independence from Britain and for a united Irish state, historically was not confined to (sections of) the Catholic community. The 1798 rebellion of the United Irishmen brought some Catholics and some Protestants together for this goal. Yet their defeat, the industrialisation of eastern Ulster, the growing conviction among Protestants that they could expect a better future in a union with Great Britain, and the colonial relationship between Britain and Ireland and the settler-colonial pattern of relationship between and within the two communities in Ireland let nationalism become the dominating ideology among Catholics only. The Republic of Ireland manifested its claim to the whole island in the 1937 constitution and an Irish High Court decision in 1990 stressed the character of this claim as a constitutional imperative. Irish nationalism, even before its dramatic rise in the late 1960s, had had significant support in Northern Ireland as well as in the Republic.⁵⁴⁴

The situation, however, began to change from the mid sixties onwards. The Northern Ireland Civil Rights Association (NICRA) was founded in August 1966 and soon became the most important civil rights group in Northern Ireland. Although Republicans and Nationalists were active in its creation, NICRA was initially not a Nationalist or Republican organisation, but professed itself exclusively concerned with the human rights situation in Northern Ireland. The objectives of the organisation were to defend the basic freedoms of all citizens and to protect the rights of each individual citizen, to create awareness about actual and potential abuses of power, to demand guarantees for basic civil rights, such as freedom of speech,

assembly, and association, and to educate the public about their lawful rights. Only gradually these issues became ethnicised – because of the nature of Unionist government at Stormont, NICRA had to advocate in particular the rights of the Catholic minority, which in turn alienated the Unionist community from it. The more NICRA became an advocate of the rights of Catholics and the more hostile the response of the Unionist controlled government institutions in Northern Ireland responded, the more united the Catholic community became in its determination to change the situation, and the greater became the influence of Republicans in the civil rights movement. To realise that it was obviously impossible to have equal rights as a Catholic in Northern Ireland was just one step short of a large-scale revival of Nationalist ideology advocating Irish reunification.

The party-political spectrum within the Nationalist community at the time was rather diverse. Alongside the Nationalist Party and Republican Labour Party who contested elections, Sinn Féin was engaged in a policy of non-co-operation. Apart from these formal political parties, a number of societies and associations existed, such as the Wolf Tone Society, the Republican Clubs, and the Connolly Association. While united in their commitment to improve the situation of the Catholic minority and in their belief that this was done best by Irish unification, there had always been a split between Republicans and Nationalists about how to achieve this aim with the former being prepared to use violence while the latter were convinced of the long-term superiority of peaceful political means. With a streamlining of the party-political system in the seventies, this split became institutionalised in a two-party system within the Nationalist community consisting of the SDLP and Sinn Féin.

The Social Democratic and Labour Party

The SDLP, which stood for election for the first time in 1973 in the assembly and local government elections, has always operated on the principles that its long-term political goal was Irish unification, that this could not be brought about against the will of a (Unionist) majority in

⁵⁴⁴ An informative study of the history of nationalism in Northern Ireland is Eamon Phoenix, *Northern Nationalism. Nationalist Politics, Partition, and the Catholic Minority in Northern Ireland, 1890-1940* (Belfast: Ulster Historical Foundation, 1994).

Northern Ireland, and that it was necessary to find some interim arrangements, most preferably a form of power-sharing, which would allow the Catholic community a decent life in Northern Ireland before unification. This has been translated into political practice in the SDLP's participation in all power-sharing experiments (with the notable exception of James Prior's 'rolling devolution' in 1982), in several rounds of negotiations with the Unionist parties from the early 1970s onwards, as well as in political initiatives of its own.⁵⁴⁵ In all its policies, the SDLP has demonstrated a serious commitment to non-violence and to an inclusive settlement of the conflict in Northern Ireland.

The stress put on the notion of a united Ireland has, over the past several years, been substituted more and more by an emphasis on a settlement based upon democracy and equality that was to be brought about by dialogue and negotiations with both the Irish and British governments and the Unionist parties in Northern Ireland. From the late 1980s onwards, the SDLP recognised that one of the essential pre-conditions for any move forward would be an end of the violence in Northern Ireland, which in turn would require the inclusion of Sinn Féin in the negotiation process. Against this background, SDLP leader John Hume and Sinn Féin President Gerry Adams engaged into a dialogue out of which emerged the first IRA cease-fire in 1994. Yet the SDLP knew that it took more than the co-operation of Sinn Féin and an IRA cease-fire to break the stalemate in Northern Ireland's political process. The failure to get substantial negotiations under way during the first IRA cease-fire between 1994 and February 1996 did not stop the SDLP from continuing its advocacy of an inclusive settlement. Talks with Sinn Féin continued and after the Westminster elections of May 1997 had created a new opportunity for peace, the SDLP and Sinn Féin launched a second joint statement in which both parties reiterated that their 'primary objective remain[ed] the achievement of a just and lasting peace for all the people of this island' and that such a 'just and lasting settlement will only be achieved if it is based on principles of democracy and equality and has the allegiance of both

⁵⁴⁵ Examples of this latter approach are the New Ireland Forum in the 1980s and the Hume/Adams Initiative in the early 1990s.

traditions.’⁵⁴⁶ The SDLP’s emphasis on democracy and equality, rather than Irish unification, is reflected throughout recent documents of the party.⁵⁴⁷ In connection with other strategy documents it becomes clear that the SDLP is likely to consent to an agreed comprehensive solution short of Irish unification, if issues of democracy and equality are satisfactorily combined with substantial North/South structures.⁵⁴⁸ Evidence of this reformation continued in the party’s manifesto for the assembly elections in June 1998, in which no mention of a united Ireland is made. Rather, the SDLP committed itself to working ‘constructively in the [North/South] Ministerial Council to achieve the maximum harmonisation of social and economic provision throughout Ireland.’⁵⁴⁹ The party has so far avoided formally abandoning a policy for Irish unification,⁵⁵⁰ and its approach to the Good Friday Agreement indicates that federalisation and/or European regionalism continues to be the dominant constitutional agenda of the SDLP.

⁵⁴⁶ Joint Statement by John Hume and Gerry Adams, 18 July 1997.

⁵⁴⁷ Submissions to the peace talks on all three strands stressed the ‘totality of relationships’ involved in the Northern Ireland conflict, i.e., new political arrangements in Northern Ireland, a framework for North/South co-operation, and an updated Anglo-Irish Agreement. The SDLP recognised the principles of consent, parity of esteem, and equality and equity as the fundamental guidelines of the negotiation and settlement process. The party also ‘recognised that the historical fact of 75 years of partition has created new realities’ but stated in the same context and at several other occasions that ‘this does not mean that SDLP, or Nationalists, will ever consent to the *status quo* which has obtained in Northern Ireland since its foundation.’ SDLP Submissions to Talks, October/November 1997, <http://www.sdlp.ie/sdlp/talks.htm>.

⁵⁴⁸ Already the 1997 Westminster election manifesto did not contain any specific reference to Irish unification, but focussed in rather general terms on the peace process in Northern Ireland and provided a detailed political agenda for development within Northern Ireland. Cf. SDLP, *Real Leadership, Real Peace* (Manifesto for the Westminster Parliamentary Elections 1 May 1997). In his address to the 27th Annual Conference of the SDLP in November 1997, John Hume outlined his party’s vision of the Ireland they wanted to achieve as a result of the talks process – ‘an open, outward-looking, tolerant island economy with carefully constructed linkages into Europe and the US, a society with high levels of education, employment, and social solidarity.’ Cf. John Hume, *Conference Address to the 27th Annual Conference of the SDLP*, Belfast 15 November 1997. The stress on economic, rather than political, relationships between Northern Ireland and the Republic of Ireland was also emphasised by Hume saying that a ‘key part of the way forward (although not the only one) is to build on North-South co-operation towards a fully functioning all-island economy.’ Cf. John Hume, *Conference Address to the 27th Annual Conference of the SDLP*, Belfast 15 November 1997.

⁵⁴⁹ SDLP, *Now, Say Yes to a Future Together* (SDLP Manifesto for the Assembly Elections 25 June 1998). In the context of European integration, the party even makes a clear distinction between the two political entities on the island when claiming that ‘European integration ... offers great opportunity for Ireland and Northern Ireland’ and when demanding that ‘the European Union must work in the interests of the people of Ireland and Northern Ireland.’ Cf. SDLP, *Now, Say Yes to a Future Together* (SDLP Manifesto for the Assembly Elections 25 June 1998).

⁵⁵⁰ In its submissions to the peace talks, the SDLP stated that there was ‘an inherent requirement that any new arrangements should create a sense of confidence and that they are not simply a short-term expedient. They must be durable, yet flexible and capable of development to accommodate the dynamic of change “within the totality of relationships.”’ Cf. SDLP Submissions to Talks, October/November 1997, <http://www.sdlp.ie/sdlp/talks.htm>. In a similar vein, John Hume welcomed the Good Friday Agreement stressing its importance as well as hoping for its durability by saying that ‘We must safeguard and cherish this agreement we have worked so hard to accomplish.’ Cf. John Hume, ‘There Can Be a New Dawn in Politics on this Island’ (Remarks at the Agreement Ceremony, 10 April 1998).

Sinn Féin

Thus, it is not the sense of a certain permanence of the settlement that puts the SDLP in opposition to Sinn Féin, but rather the pace of further developments. The Republican party has consistently argued for Irish unification since its foundation and has continued to do so after the Good Friday Agreement. What has changed in the party's strategy is the means by which this ultimate goal of Republican politics and ideology is to be achieved. Until very recently, the party has often justified and supported, or at least tolerated and accepted, violence as a means of politics and tried to provide rationales for, and to facilitate understanding of, politically motivated violence by Republicans. However, since the late 1980s there have been continuous and eventually successful attempts on the part of the Sinn Féin leadership to move the party into democratic politics. In the early 1980s the party had begun to contest elections, yet refused to take its seats at either Westminster or in any assembly-like body. While the eighties were a period in which the Republican movement prided itself in the double strategy of the 'bullet and the ballot box', Sinn Féin was crucial in bringing about the two IRA cease-fires in 1994 and 1997. The party entered the talks process after signing up to the so-called Mitchell principles, which commit all signatories to the principles of consent and non-violence.⁵⁵¹ Yet the change in tactics has not resulted in, or from, a change in overall strategy, as Sinn Féin remains committed to achieving a united Ireland.⁵⁵²

The notion of Irish unification was not the only area of dissent between the SDLP and Sinn Féin. Two other contended positions were closely linked to it – the role of the British government and the Unionist veto. While the SDLP was and is prepared to accept a role for the British government in the long term, Sinn Féin's position is much more determinedly focussed

⁵⁵¹ These (six) principles are part of George J. Mitchell, John de Chastelain, and Harri Holkeri, *Report of the International Body* (published 22 January 1996).

⁵⁵² The party's submissions to the peace talks in this respect stand in a long line of similar policy documents by Sinn Féin, in which a united Ireland is described as the 'desire of the Nationalist community' and 'the best and most durable basis for peace and stability.' Cf. Sinn Féin, *Peace in Ireland: Freedom, Justice, Democracy and Equality. Principles and Requirements*. (Sinn Féin Submissions to Peace Talks), <http://sinnfein.ie>. Sinn Féin's principal position that the permanent solution of the Northern Ireland conflict can be brought about by Irish unification has also been stressed by Gerry Adams in an article on the peace talks in which he outlined the requirements for agreement. Adams stated that 'Sinn Féin sees a 32-county republic, working through a new relationship with our nearest neighbours, based upon our mutual independence as the best way to eradicate the range of political, social, economic,

on forcing Great Britain to withdraw from Northern Ireland.⁵⁵³ Also, Sinn Féin does not accept a Unionist veto on developments in the north, as the party insists that the principle of consent 'must be universally applied to the people of Ireland. Universal application of consent precludes a sectional approach.'⁵⁵⁴ Since the conclusion of the Good Friday Agreement, this position has been reiterated in a variety of contexts and ways, all of which underline Sinn Féin's support for the goal of Irish unification. It was important for the party, and the Republican movement in general, to maintain their commitment to this goal throughout the talks process to prevent a split, a breakdown of the IRA cease-fire, and a loss of electoral support. The signing of the agreement put a new challenge to Sinn Féin, as it had to enter, with all other parties, into the contest of how to interpret the agreement reached.⁵⁵⁵ In contrast to Unionists, and to some extent to the SDLP, Sinn Féin does not accept the agreement as a permanent solution to the Northern Ireland conflict, but continues to insist on Irish unification as the terminal point of this process.⁵⁵⁶

In the focus on economic co-operation with the Republic and the establishment of the respective institutions, Sinn Féin has become remarkably close to the SDLP.⁵⁵⁷ In general, SDLP and Sinn Féin have similar positions on issues regarding justice, equality and rights in Northern Ireland. Both accept that all three dimensions of the peace process need to be explored to the full to advance Northern Irish society, and both place considerable emphasis on the

and other inequalities which affect the people of this island.' Cf. Gerry Adams, "Nationalist Requirements for an Agreement", <http://sinnfein.ie>.

⁵⁵³ Gerry Adams, Presidential Address to (the reconvened) Sinn Féin Ard Fheis, 10 May 1998.

⁵⁵⁴ Sinn Féin, *Peace in Ireland: Freedom, Justice, Democracy and Equality. Principles and Requirements*. (Sinn Féin Submissions to Peace Talks), <http://sinnfein.ie>.

⁵⁵⁵ Recognising that the Good Friday Agreement was not yet the full realisation of the Republicans' aim to achieve a united Ireland, because it upheld the Unionist veto (which is not really a Unionist veto, but rather one of the majority in Northern Ireland or the assembly) over the constitutional status in Northern Ireland, the Sinn Féin leadership has constantly described it as 'a basis for advancement' and as regulating the period of 'a peaceful transition to a just settlement.' Cf. Gerry Adams, Presidential Address to Sinn Féin Ard Fheis, 18 April 1998.

⁵⁵⁶ Yet even Sinn Féin shifted its emphasis, although not as significantly as the SDLP. The assembly election manifesto included only one reference to the goal of Irish unification although the Good Friday Agreement is once again only seen 'as part of a transitional process to Irish unity and independence.' Sinn Féin Manifesto for the 1998 Assembly Elections, <http://sinnfein.ie>.

⁵⁵⁷ The political agenda outlined commits the party to work within (and not beyond) the framework of the agreement by following a co-operative approach to the parliamentary democratic process. Naturally, the North/South dimensions play a more prominent part in the five elements identified by the party 'to eradicate the causes of ... prevailing injustices' – creation of an all-Ireland economy, transformation of the Six-County economy, elimination of the economic distortions of partition, development of economic justice across Ireland, and introduction of economic democracy. See the Sinn Féin Manifesto for the 1998 Assembly Elections, <http://sinnfein.ie>.

operation of North/South institutions. However, official Republican policy is that this is just another step towards unification.

Settling the Conflict: Political Initiatives to Resolve the Northern Ireland Conflict, 1968-1998

Ever since the conflict in Northern Ireland escalated violently attempts have been made, and solutions been proposed, to accommodate the interests of all the parties involved in the conflict. Mutually hostile perceptions of the respective other community and its intentions have, in the past, led to the rejection of proposals made, or supported, by the other community, or, wherever something akin to a middle ground had been found, at least the more radical parts within each community have rejected it as insufficient for their purposes.

The Conflict about the Conflict and Its Solutions⁵⁵⁸

Explanations of the conflict vary widely between and within the two principal communities in Northern Ireland. Generally, a line can be drawn between external and internal accounts. The two external explanations are the Nationalist, and especially Republican, contention that the involvement of the British state into what is essentially described as internal Irish affairs is the major cause of the conflict; the alternative Unionist and Loyalist versions are that the Republic of Ireland in upholding its constitutional claim to the whole of Ireland in Articles two and three of its 1937 constitution unnecessary fuelled the existing tensions and encouraged the Nationalist/ Republican tradition to strive for Irish reunification.⁵⁵⁹

Internal explanations, in contrast, see the roots of the conflict in a variety of factors within Northern Ireland itself by focussing on the implications of economic, religious, and/or cultural conditions in the province. Economically, deprivation and systematic discrimination of Catholics/Nationalists in Northern Ireland is the most common argument to account for the conflict alongside suggestions of economic opportunism of those who actually profit from the ongoing conflict. As an explanatory concept, religion is either seen as a phenomenon that

⁵⁵⁸ An excellent overview of the various interpretations of the Northern Ireland conflict is McGarry and O'Leary, *Explaining Northern Ireland*.

deepens and aligns already existing social divides, making positive inter-communal relationships virtually impossible, or the religious fanaticism of certain sections within each community is interpreted as the driving force behind the conflict policies of each community. Cultural accounts, finally, treat the conflict as either inherited, i.e., simply as a tradition of being in conflict with the other community and/or the authorities, or as ethno-centrist clash of two fundamentally different cultures.

As a consequence of this conflict about the conflict, proposed solutions have differed widely. The range reaches from full integration of Northern Ireland with Great Britain, to devolution, independence, repartition, and eventually to Irish unification, with a variety of different models for each of the major proposals.

Integration with Great Britain, defined as direct government by Westminster, is an idea mostly supported by various streams within the Unionist community and based on an understanding of the conflict as caused by the 'Irish dimension' of the conflict. Full integration, in one version, aims at making Northern Ireland part of the United Kingdom that would neither be treated any differently from any other part of the country, nor would it have separate, or independent, or different institutions. A slightly lesser full variant is proposed by supporters of electoral integration. According to this model, the main British political parties should expand into Northern Ireland to create a party-political 'normality' above sectarian divisions and thus eliminate or at least gradually realign Northern Irish political parties on other issues. Both models of integration suggest modification of the present system of direct rule, which, at the time of its introduction, was supposed to be temporary. However, there is a third group of integrationists who argue that, instead of changing the current system, it should simply be made permanent.

In contrast to the various types of integration, which were supported almost exclusively by Unionists, the idea of a devolution of powers held by the Westminster government, has been favoured, in its various forms, and each of them with different degrees of support, by sections of

⁵⁵⁹ As part of the Good Friday Agreement, the Irish Constitution has been provisionally modified in this respect.

both communities. While a return to simple majority rule, as it existed between 1921 and 1972, was, and still is, favoured among significant sections of the Unionist community, notably the DUP and some parts of the UUP, this proposal enjoys no support from within the Nationalist camp. Majority rule with safeguards such as a bill of rights and an election system based on proportional representation is a more moderate approach that tries to take account of the historic concerns of the minority community. However, any significant support for such a solution has always been confined to unionism. Another proposal for a devolutionist arrangement, supported by the explicitly cross-communal Alliance Party, and to some extent by sections of the UUP, was power sharing, giving political representatives from both communities the opportunity to be involved in the executive and legislative branches of a new system of government in Northern Ireland. While the moderate Nationalist community, primarily the SDLP, support the idea of power sharing, they want it to be qualified by some sort of executive and legislative involvement of the Republic of Ireland, which was unacceptable for Unionists before the 1990s.

Somewhere between suggestions for integration into Britain and Irish reunification stand (i) proposals for repartition along the major demographic divides in the West and South West of the province, (ii) the independence of Northern Ireland from both Britain and the Republic, and (iii) joint authority of both states over Northern Ireland. With the exception of joint authority, which found significant support among nationalists, none of these proposals was attractive to either of the two major traditions in Northern Ireland.

In contrast, the idea of a united Ireland has always been very popular as a long-term goal in the Nationalist community. While moderate Nationalists favour its achievement by consent and peaceful, constitutional, and democratic ways, Republican paramilitary groups, most notably the IRA, have tried since 1921 to force the issue through violence. While this approach is rejected by large sections of the Nationalist community, a majority of the same community is nevertheless united over the desirability of the goal of Irish unification, a proposal that quite strongly opposed by Protestants/Unionists.

All these positions have developed and gradually changed over time. Nevertheless, they provide a general understanding about where the distinct political traditions and different parties within them come from. As such, they form the context in which the Sunningdale and Anglo-Irish Agreements were concluded and the *Joint Declaration* made.

Sunningdale, the Anglo-Irish Agreement and the *Joint Declaration*

The Failure of Sunningdale

In 1972 and 1973, the British government had published *The Future of Northern Ireland: A Paper for Discussion*⁵⁶⁰ and subsequently constitutional proposals for the province.⁵⁶¹ As a consequence, elections to a power sharing assembly were held on 28 June 1973. Based on an electoral system according to which between five and seven candidates were elected by proportional representation in each of the parliamentary constituencies and on a turnout of 72.5%, the elections returned seventy-eight representatives of eight parties to the new assembly. The official Unionists won 29.3% of the vote and sent twenty-four members to the assembly, followed by the SDLP with 22.1% and nineteen successful candidates. Together with the Alliance Party, which won 9.2% of the vote and eight seats, they formed a coalition government (Northern Ireland executive), initially supported by fifty-two of the seventy-eight members of the assembly, which was in favour of both the idea of power-sharing and of a Council of Ireland to be established subsequently.

Between 6 and 9 December 1973, representatives of the British and Irish governments and of the parties involved in the designated executive met at Sunningdale and discussed and agreed the setting up of the Council of Ireland. The provisions foresaw a Council of Ministers with executive, harmonising, and consultative functions, consisting of an equal number of delegates from the Northern Ireland executive and the Irish government, and a Consultative Assembly of thirty members from each of the parliaments, chosen by proportional representation on the basis of the single transferable vote system within each parliament. The

⁵⁶⁰ Northern Ireland Office, *The Future of Northern Ireland: A Paper for Discussion* (London and Belfast: HMSO, 1972).

council was to have executive functions, by means of unanimous vote in the Council of Ministers, in the fields of environment, agriculture, co-operation in trade and industry, electricity, tourism, transport, public health, sport, culture, and the arts. The conference also agreed on closer co-operation in security-related matters, on inviting the Council of Ireland to draft a human rights bill, and on the possibility of a future devolution of powers from Westminster to the Northern Ireland assembly and the institutions of the Council of Ireland.

The initially favourable situation began to change dramatically early in 1974. The Westminster elections on 28 February had been turned into a referendum on the new constitutional status of the province and the involvement of the Republic. Opponents of any change in the *status quo* united in coalition called the United Ulster Unionist Council and won fifty-one per cent of the vote and eleven of the twelve seats in Northern Ireland, with the remaining seat going to the SDLP. Shortly afterwards, the newly established Ulster Workers' Council (UWC) called for new elections to the Northern Ireland assembly. When a motion against power sharing and the Council of Ireland was defeated in the assembly by forty-four to twenty-eight votes on 14 May 1974, the UWC called for a general strike. The following two weeks of the strike brought Northern Ireland to an almost complete standstill. The failure to break-up the strike and the unwillingness to negotiate a settlement with the UWC, eventually, led to the resignation of the Northern Ireland executive on 28 May 1974. The assembly was prorogued two days later.

The essential conditions for the success of power-sharing and a formal institutional involvement of the Republic of Ireland in the affairs of Northern Ireland had not been there, and even where they had appeared to be present, they were not stable enough to endure the pressures exercised on them. Even though the initial elections to the Northern Ireland assembly seemed to be a clear vote in favour of the new constitutional status, the reality of the situation in the province betrayed this superficial impression. The co-operating elites in the assembly had a rather secure two thirds majority in the assembly, but their influence and control over their

⁵⁶¹ Northern Ireland Office, *Northern Ireland Constitutional Proposals* (Cmnd. 5259), released 20 March 1973.

(former) electorate on the *outside* was far less permanent and stable, in particular as far as Unionists in favour of the new arrangements and the Alliance Party were concerned.⁵⁶² Apart from this lack of popular support for the settlement, there was also an essential lack of institutional support and failure of politicians to implement counter-measures. While British government policy was not to negotiate with the UWC, there were no decisive steps taken to prevent the breakdown of public life in Northern Ireland, nor was enough done to counter the pressure from UWC activists on members of the Unionist community who were opposed to the strike or undecided about their role in it. Sunningdale was not a treaty between two states, but an agreement reached between two states and a selected number of political parties. In order to work, it would have required substantial support for those partners in the agreement who were most volatile to pressures from within their own communities. The pro-agreement parties in both blocs were vulnerable to out-flanking by hard-core radicals. That this support for pro-agreement politicians was not forthcoming was one of the major reasons for the failure of this early attempt to resolve the Northern Ireland conflict.

Table 16: Conditions Accounting for the Failure of Sunningdale

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| <ul style="list-style-type: none"> • In the United Kingdom: <ul style="list-style-type: none"> □ Failure to take decisive measures in support of the pro-agreement parties in Northern Ireland and to defeat the general strike in its early stages • In Northern Ireland: <ul style="list-style-type: none"> □ Vulnerability of the pro-Agreement parties to out-flanking by radicals in both communities □ Traditional mistrust of large sections of the Unionist community towards all issues involving cross-border co-operation □ Recent high level of violent inter-ethnic conflict □ Ability of the UWC to mobilise key sections of the Unionist community in a general strike against the agreement □ Lack of popular and institutional support in defence of the agreement • International Context: <ul style="list-style-type: none"> □ Lack of any pressure on the conflict parties to resolve their differences through compromise |
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⁵⁶² The votes both received in the 1974 Westminster elections were cut down to one third of the results they had achieved in the 1973 assembly elections. Part of the explanation lies in the different voting systems applied in both elections – PR for the assembly and plurality rule for the Westminster elections.

The Anglo-Irish Agreement

After the failure of Sunningdale, the British government initiated several other initiatives. In the wake of Sunningdale, these initiatives were either strictly limited to Northern Ireland itself, such as the 1974/75 constitutional convention, or, when they had cross-border implications, they did not involve any Northern Irish political parties, as with the Anglo-Irish Inter-Governmental Council set up in 1981. Yet, none of these initiatives were successful.

Between 1982 and 1984, another attempt was made to resolve the conflict by reintroducing devolution. A scheme of 'rolling devolution' involving an assembly and a committee-style executive was proposed. The devolution of powers to elected representatives in Northern Ireland was supposed to be gradual and subject to seventy per cent agreement in the assembly to be elected. As there was no adequate recognition of the nationalist tradition in Northern Ireland, both Sinn Féin and the SDLP participated in the 1982 elections on an abstentionist platform and subsequently boycotted the assembly.⁵⁶³

In 1983 the Fianna Fail, Fine Gael and Labour parties of the Republic of Ireland met with the Northern Irish SDLP in Dublin at the so-called New Ireland Forum to discuss the future of Northern Ireland from their viewpoint.⁵⁶⁴ Until February 1984, eleven public meetings were held. In September 1983 delegates from the Forum visited Northern Ireland and in January 1984 the United Kingdom. In conclusion, the Forum produced a report⁵⁶⁵ in which the members gave their analysis of the problem, examined the situation in Northern Ireland, and presented three potential solutions to the conflict – a unitary Irish state, a federal or confederate Irish state, and joint British-Irish authority over Northern Ireland. While this report represented a determinedly Nationalist interpretation of the conflict and its solutions, it nevertheless signalled to the British government that there was a certain basis for negotiation and compromise.

Given this and a British desire to involve the Republic of Ireland in the responsibility of running the province amidst the continuously serious security situation, alongside a growing

⁵⁶³ Cf., for example, Michael J. Cunningham, *British Government Policy in Northern Ireland, 1969-1989. Its Nature and Execution* (Manchester: Manchester University Press, 1991), p. 150.

⁵⁶⁴ Invitations had also been issued to Unionist parties, who decided to boycott the event.

Irish interest to stabilise the situation in the north and to prevent a spill-over of violence and/or Republican influence, a new and joint approach to the conflict seemed possible. Furthermore, the British government realised that it had failed in its campaign to criminalise republicanism, and both governments faced a growing appeal of republican ideology within the nationalist community, in particular after the hunger strikes of the early 1980s. Based on these considerations, both governments decided to enter into negotiations, which resulted in the Anglo-Irish Agreement of 1985.

The agreement dealt with a variety of issues, including an Intergovernmental Conference, a human rights bill for Northern Ireland, security and judicial policies, and cross-border co-operation on economic, social, and cultural matters. The British attempt to address concerns of the Nationalist community was apparent, but as the implementation of the agreement did not effect any dramatic or even particularly noticeable change, the reward for Britain alienating the Unionist community was not forthcoming as expected. Although the influence of Sinn Féin within the Nationalist camp decreased towards the end of the 1980s, activities of the IRA did not decline. On the contrary, hard-line Republican opposition to Britain and IRA activity⁵⁶⁶ increased. The declining electoral appeal of Sinn Féin in the mid to end-1980s set in motion a rethinking process among the leadership of the party. Eventually, the party moved away from its unqualified support for, or at least tolerance of, republican violence to become one of the participants in the peace process(es) of the 1990s that finally brought about the Good Friday Agreement in 1998.

The more severe repercussions, however, originated from within the Unionist community. In a survey of January 1988, 55.1% of those who declared themselves as Protestants voiced their opposition to the Anglo-Irish Agreement, compared with 7.9% of those describing themselves as Catholics. Only 8.7% of Protestants opted more or less in favour of the agreement, as compared to 31.8% of Catholics who did so. Asked in the same survey for the biggest problem in Northern Ireland, only 8.6% of Catholics, but 29.5% of Protestants pointed

⁵⁶⁵ New Ireland Forum, *Report* (Dublin: Stationery Office, 1984).

to the Anglo-Irish Agreement.⁵⁶⁷ Strong Unionist opposition failed to secure one of the central objectives of the British government, namely to strengthen moderate Unionism in the form of the UUP and marginalise radicals in Ian Paisley's DUP. Similarly unsatisfactory were the working of the Inter-Governmental conference, acknowledged in the official 1989 review, the hoped-for improvement in the security situation,⁵⁶⁸ and the envisaged cross-border co-operation.

Although the Anglo-Irish Agreement had by no means failed as badly as Sunningdale, it did also not produce a significant breakthrough in the political stalemate in Northern Ireland. In some respects, such as the increasing alienation of parts of the Unionist community, it even worsened the situation and prevented major progress for the years to come. Although the stalemate continued, it did so on a different level. The agreement had shown that solutions were possible to which the two governments and a significant part of the Nationalist community could agree. This had a positive long-term effect on the opportunities to reduce the level of violent of conflict and to increase the chances to achieve an inclusive agreement for the future of Northern Ireland, because it made uncompromising, hard-line unionism less credible as a strategy to preserve Northern Ireland's link with Great Britain and, similarly, indicated that there was overwhelming support for constitutional, non-violent politics within the Nationalist community, the latter finding its expression in the poor electoral performance of Sinn Féin in the late 1980s, early 1990s. The limited success that the Anglo-Irish Agreement had in the short term was mostly a consequence of it being reached and implemented at inter-governmental level.⁵⁶⁹ This being a recognition of the situation in the mid 1980s, in which cross-communal

⁵⁶⁶ This was also facilitated by a shipment of weapons and equipment from Libya.

⁵⁶⁷ Cf. Andrew Hamilton et al., *Violence and Communities* (Coleraine: University of Ulster, Centre for the Study of Conflict, 1990).

⁵⁶⁸ According to RUC statistics, the three years prior to the Anglo-Irish Agreement produced 195 deaths, 2,342 injuries, 716 shooting incidents, 607 explosions, and 1708 armed robberies. The respective figures for 1986-1988 are: 247 deaths (+27%), 3,661 injuries (+56%), 1,132 shootings (+58%), 661 explosions(+9%), and 2,253 armed robberies (+31%). This increase was not necessarily a direct effect of the Anglo-Irish Agreement as O'Leary and McGarry have shown in *The Politics of Antagonism*, pp. 270-273.

⁵⁶⁹ It needs to be mentioned, however, that the Irish government continuously consulted with the SDLP, while the British government had no contact with Unionists during the negotiations. This contributed to the strengthening of Unionist fears and the weakening of moderates. At the same time, this Irish policy was not unanimously embraced in the Republic either – both Ian Gow and Mary Robinson resigned over this issue. Personal communication from Antony Alcock.

agreement was virtually impossible, the British and Irish governments also had to accept that no stable and durable solution would be possible without the involvement and consent of the parties representing the two traditions in Northern Ireland.

Table 17: Conditions Accounting for the Limited Success of the Anglo-Irish Agreement

<ul style="list-style-type: none"> • In the United Kingdom: <ul style="list-style-type: none"> □ Deliberate attempt to address concerns of the Nationalist community, even at the price of alienating sections within the Unionist community □ Failure to deliver on key aspects of the agreement, such as the Inter-Governmental Conference, cross-border co-operation, and an improved security situation • In the Republic of Ireland: <ul style="list-style-type: none"> □ Upholding of the constitutional claim to Northern Ireland and its perception by Unionists as a threat to a non-negotiable aspect of their identity □ Failure to deliver on key aspects of the agreement, such as the Inter-Governmental Conference, cross-border co-operation, and an improved security situation • In Northern Ireland: <ul style="list-style-type: none"> □ Exclusion of the political parties in Northern Ireland from the formal negotiation process □ No opportunity for the people of Northern Ireland to approve of, or reject, the agreement □ Disappointment among Nationalists and Republicans about the lack of visible improvements in their situation □ Increased hard-line Republican resistance against British policy □ Radicalisation of the Unionist community in opposition to the 'Irish' dimension of the agreement □ Continued high levels of violent inter-ethnic conflict • International Context: <ul style="list-style-type: none"> □ Lack of any pressure on the conflict parties to resolve their differences through compromise □ Support of the IRA through Libyan arms shipments
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The Joint Declaration

In 1988, the UUP, the DUP, the APNI, and the SDLP had met in West Germany without achieving any breakthrough. Talks had also been held between the SDLP and SF in the first half of 1988. More significant than these talks, however, was an announcement by SF President Gerry Adams in March 1989 that he sought to establish Sinn Féin as a democratic political movement in pursuit of self-determination. This and the public acknowledgement by the then Northern Ireland secretary Peter Brooke that the IRA could not be defeated militarily, that he would not rule out talks between the government and SF should IRA violence cease, and that

the British government had no selfish strategic or economics interests in Northern Ireland paved the way for the Brooke/Mayhew talks, involving the UUP, the DUP, the APNI, and the SDLP. These talks were held between March 1991 and November 1992 during a break in the operation of the Anglo-Irish inter-governmental conference to ensure the participation of the Unionist parties. The arrangements for the talks provided for three different strands – relationships in Northern Ireland, between the province and the Republic, and between the two governments. While talks about the relationships in Northern Ireland came to a standstill in June 1992 because there was little sign of compromise and the gap between the different positions seemed, at the time, impossible to bridge, the parties nevertheless agreed to move on to talks about strand two. With no major progress made, and decreasing willingness to co-operate on the part of the DUP, the talks eventually collapsed when the resumption of the Maryfield secretariat⁵⁷⁰ prompted the Unionists to withdraw from the talks.

In April of the following year it was revealed that Gerry Adams of SF and John Hume of the SDLP had held a series of talks for two years discussing the contributions their parties could make to bringing about peace. After their talks had become public, they issued a first joint statement in April and a second one September, which became known as the Hume/Adams Initiative, and outlined the Nationalist and Republican views of a road to peace. Unionist opposition to the Hume/Adams Initiative coincided with a new series of violent attacks by and against both communities, of which an IRA bomb on the Shankhill Road in Belfast was the most costly in human casualties.⁵⁷¹ It was also revealed that there had been secret talks between the British government and SF. At the end of the year, following a series of meetings Irish Prime Minister Albert Reynolds and British Prime Minister John Major issued the *Joint Declaration*.

The significance of the declaration, and the single most important difference to the two documents discussed before, was the fact that the British government acknowledged that it was

⁵⁷⁰ This was part of the permanent institutional framework set up by the Anglo-Irish Agreement.

⁵⁷¹ On Thursday 21 October 1993, ten people (nine civilians and one IRA member) were killed when a bomb exploded prematurely in a fish shop on the Shankhill Road in Belfast.

'for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish.' The explicit reference to the notion of self-determination had a highly symbolic value, positively connotated for the Nationalist community, with more negative implications for the Unionist tradition.

Further confidence-building measures followed early in 1994 when the broadcast ban on SF was lifted in the Republic of Ireland, Gerry Adams was given a visa to enter the USA, and the Northern Ireland Office issued a statement in which it addressed questions by Sinn Féin concerning the *Joint Declaration*. Although Sinn Féin remained critical of the Declaration, a secret meeting was held between the Secretary of State for Northern Ireland, Sir Patrick Mayhew, and a SF delegation in August, which was followed by an IRA announcement about the 'complete cessation of all military activities' on 30 August.

While relations between the Nationalist community and its representatives, on one side, and the Irish government, on the other, grew closer, the increasing degree of alienation between the DUP, which represented the more radical sections of Unionism and Loyalism, and the British government became apparent when John Major cut short a meeting with DUP leader Ian Paisley on 6 September 1994. Ten days later, the British government lifted the broadcast ban on SF. On 13 October 1994, the Combined Loyalist Military Command announced its own cease-fire. At the end of the year, the British government, represented by officials of the Northern Ireland Office, began a series of talks with those political parties of Northern Ireland that had affiliations with paramilitary organisations, namely Sinn Féin (9 December 1994), the Progressive Unionist Party, and the Ulster Democratic Party (both on 15 December 1994).

Thus, within a year of the *Joint Declaration*, cease-fires had been announced by the major paramilitary organisations that did not cover a specified period of time (as they had in the past), but seemed, if not permanent, at least longer-term. In addition, the British government had entered in official and formal talks with representatives of the paramilitary organisations of both communities, and Sinn Féin was heading back into the political process, being recognised as a

necessary partner by both governments. Although Unionist opposition to the Anglo-Irish Agreement and the *Joint Declaration* remained, the conditions to move forward towards a lasting settlement seemed rather good.

From the Framework Documents to the Good Friday Agreement

Realising that, despite these favourable conditions, the causes of conflict in Northern Ireland had not been removed, the British and Irish governments developed *A New Framework for Agreement*, which proposed structures for North-South (or, Northern Ireland – Republic of Ireland) and East-West (British-Irish) institutions and sought to integrate the earlier suspended three-strand talks with a new effort of peacemaking.⁵⁷² Both governments recognised that a settlement would not be possible without significant and substantial compromise from all conflict parties and reaffirmed the basic positions of the *Joint Declaration* – the principles of self-determination and consent, peaceful and democratic means as the only acceptable political strategies and tactics, and the recognition of the fundamental ‘rights and identities of both traditions.’ In addition, the British government proposed its own ideas for a possible solution of the conflict within Northern Ireland in a document called *A Framework for Accountable Government in Northern Ireland*, in which a separation of powers between legislature, executive, and judiciary was recommended to the political parties of Northern Ireland.

Throughout 1995, contacts and official talks continued between the British government and Sinn Féin, and although no major progress was achieved an eventual settlement seemed to have come closer.⁵⁷³ However, the end of the IRA cease-fire in February 1996 and the resumption of (Republican) violence throughout the region, targeting primarily the security forces, and in England proved to be a major setback. Despite this, the British and Irish governments announced the beginning of all-party talks, following elections to them in May, for

⁵⁷² Cf. Brendan O’Leary, “Afterword: What is Framed in the Framework Documents”, in *Ethnic and Racial Studies*, vol. 18, number 4, October 1995, pp. 862-872, here p. 867.

⁵⁷³ Part of the reason for the lack of progress was the British insistence that the decommissioning of paramilitary weapons had to precede SF’s admission to formal multi-party talks. This pre-condition was set by the Tory party after the negative response by Unionists to the Framework Documents. It somehow reflects the wider problems of the Conservative government and its decreasing majority in Westminster. Cf. Brendan O’Leary, “The Conservative

June 1996. Although Sinn Féin polled a record 15.5% of the vote in these elections, the party was not allowed to take its seats at the negotiation table,⁵⁷⁴ because IRA violence continued and the party did not sign up to the Mitchell principles of non-violence.⁵⁷⁵ The multi-party talks commenced as planned but did not bring about any significant results in their first year.

The election of a Labour government in the general elections in May 1997, the emphasis Labour put on reaching a settlement in Northern Ireland, and the perception, especially among the Nationalist community, that there was a new approach in Northern Ireland policies opened new possibilities. In July 1997, the IRA renewed its cease-fire. After Sinn Féin had signed up to the Mitchell Principles, the party was allowed into the multi-party talks at Stormont, which, however, resulted in the DUP and the UKUP walking out. After more than half a year of intensive negotiations with several setbacks, eight political parties in Northern Ireland and the British and Irish governments agreed to what has become known as the Good Friday Agreement.⁵⁷⁶

Difficulties that arose during the talks process had a number of sources. There was, first of all, the complicated structure of divergent interests that had to be accommodated. A majority of the Nationalist community, at least in the long term, favoured Irish unification, while the Unionist community insisted firmly on the affirmation of the union of Northern Ireland with Great Britain. In addition to these hardly compatible demands by the political parties on the ground, both states had territorial, economic, and political interests in Northern Ireland, which needed to be addressed.

Stewardship of Northern Ireland, 1979-1997: Sound-Bottomed Contradiction or Slow Learning?", in *Political Studies*, vol. 45, pp. 663-676, here p. 672.

⁵⁷⁴ The Conservative Party (by then in office for seventeen years) had suffered for a long time from what O'Leary calls the 'talking and not talking to terrorists syndrome'. However, under the government of John Major, parts of the Tory elite became more flexible. While they did not effectively exclude the possibility of negotiations with Sinn Féin (before the 1997 elections were called), their initial over-extensive talks about talks and the burdening of the latter with the decommissioning issue did not have a positive impact on the peace process. Cf. O'Leary, "The Conservative Stewardship of Northern Ireland", p. 672f.

⁵⁷⁵ Former US Senator George Mitchell played a major role a chair of the negotiation process. In general, American influence (both the Irish-American lobby and the Clinton Administration), and pressure, on all negotiating parties was among the facilitating factors of the Good Friday Agreement.

⁵⁷⁶ Details of the Good Friday Agreement are discussed below in the section "The Good Friday Agreement – A Way to a Lasting Settlement?"

Mutual perceptions of each other's agenda and distinct interpretations of the conflict, its roots, and possible solutions did not make the negotiation process any easier either. All parties agreed that any change in the constitutional status of Northern Ireland required the consent of a majority, yet the territorial frame for the application of the consent principle was a matter of contention. Unionists insisted on a simple majority principle within the territorial borders of Northern Ireland by pointing to two principles endorsed by the United Nations, namely that of the territorial integrity of existing states and that of the accommodation of minority rights within existing borders.⁵⁷⁷ For obvious reasons, the Nationalist minority preferred the whole island of Ireland.⁵⁷⁸ Similar problems existed in relation to the establishment of North-South institutions. While Catholics/Nationalists favoured an arrangement with far-reaching executive and legislative competences for such bodies,⁵⁷⁹ Unionists wanted to limit these powers as much as possible, yet agreed to the setting-up of a British-Irish Council, in which representatives of all territorial and political units of the British Isles would have a seat and vote.⁵⁸⁰ In addition to these differences between the two communities, there were also differences within them. On the one side, both camps included parties and groups outside the negotiations that were firmly opposed to the peace process as they did not see it as an appropriate way to realise their ultimate political goals.⁵⁸¹ But even between those parties who had committed themselves to the peace process such differences existed. While some sections of the Unionist community (most notably the UUP, PUP, and UDP) saw the peace process as a chance, created by the paramilitary cease-fires, to negotiate a lasting settlement, other parts (in particular the DUP) interpreted the IRA cease-fire as a declaration of defeat by nationalism and thus saw no need to make any substantial concessions. Similar differences existed about the nature of any agreement to be reached. While Sinn Féin considered it merely as a stepping stone towards Irish unification, the

⁵⁷⁷ Ulster Unionist Party, "Proposals for the Three Strands", UUP Press Release, 11 February 1998.

⁵⁷⁸ Sinn Féin argued in this context with another UN-endorsed principle, namely that of the self-determination of peoples. Cf. Sinn Féin, "Peace in Ireland: Freedom, Justice, Democracy, and Equality", <http://www.sinnfein.ie/> For the SDLP view, Social Democrat and Labour Party, "Submissions to Talks October/November 1997", <http://www.sdlp.ie/sdlp/talks.htm>.

⁵⁷⁹ Social Democrat and Labour Party, "Submissions to Talks October/November 1997", <http://www.sdlp.ie/sdlp/talks.htm>.

⁵⁸⁰ Ulster Unionist Party, "Proposals for the Three Strands", UUP Press Release, 11 February 1998.

SDLP and the Unionist and cross-communal parties attributed a much more permanent and definite character to it.

The different demands and expectations of the parties were not the only problem for the ongoing negotiations. Throughout the talks process, inter-ethnic tensions between the two communities erupted violently. Serious riots, indicating the depth of feelings in both communities, also occurred over Christmas 1997. Although they did not terminate the negotiation process, they demonstrated the difficulty of accommodating the rights and interests of both communities in a comprehensive settlement. In the course of the riots, the Northern Ireland security forces more often than not ended up between the fronts of the Nationalist and the Unionist communities. The RUC faced political situations which to solve they were not mandated because of their function, nor were they able or willing to implement respective decisions in many cases because of their predominantly Unionist composition.

Tensions also existed between parts of the negotiating elites; most notably in this context was the refusal of the UUP to engage in direct talks with Sinn Féin. These inter-elite tensions highlighted the problem of intra-group heterogeneity. While each community was represented by a number of parties, there were also three parties with a decisively cross-communal approach to politics, namely the Alliance Party, the Women's Coalition, and Labour.⁵⁸² The moderate parties of the two community-based camps – the SDLP and the UUP – were subject to continuous pressure from the more radical sections of their own communities, which limited their ability to compromise out of fear that the concessions to the 'other' side could be instrumentalised in the competition for electoral support in the segregated party system as well as in the struggle for influence within the two parties.⁵⁸³

⁵⁸¹ This was particularly true for some paramilitary splinter groups.

⁵⁸² The latter two are more properly described as micro parties.

⁵⁸³ The effects of this were less strong in the Nationalist camp, where the SDLP only faced significant competition from Sinn Féin. The party system within the Unionist community, however, was more split. The second largest Unionist party, Ian Paisley's DUP, did not participate in the talks process at all, nor did the UKUP. The two other Loyalist parties that took part in the negotiations were the PUP, representing the paramilitary Ulster Volunteer Force and Ulster Freedom Fighters, and the UDP, which is the political wing of the Ulster Defence Association.

A further threat to the successful completion of the talks process was the danger posed by paramilitary splinter groups, like the Loyalist Volunteer Force, a break-away from the Ulster Volunteer Force, and the Irish National Liberation Army and the Continuity Army Council.⁵⁸⁴ While these continued their campaign, the major paramilitary groups were, to differing degrees, successful to uphold their cease-fires against opposition from within their own ranks, which had considerable repercussions for the talks process as the parties who were thought to be connected to paramilitary groups were held responsible for the actions of the latter.⁵⁸⁵

Eventually, the role and positions of the two governments added to the difficulties. Both states had a rather ambiguous role – they were at the same time sponsors of the talks process, parties to the conflict that needed to be resolved, as well as ‘protectors’ of their respective communities. The latter role was particularly difficult for Britain as it had, as the sovereign power, the role of mediating between the interests of both communities. This created and reinforced a certain Unionist anxiety about being left alone to defend their interests and hardened their stance on a number of occasions. Although the change of government in May 1997 did not effect the British Northern Ireland policy very much because of the traditionally bi-partisan approach. In addition, the new Labour government’s policy learning had already taken place and it did not carry any of the Conservatives’ baggage. The Irish coalition government of the time, however, faced stronger pressures from the opposition, but also from members of the parties in the ruling coalition, not to withdraw the constitutional claim, and was therefore less flexible on this issue.

⁵⁸⁴ The cease-fires of the major paramilitary organisations were broken on several occasions. Loyalist extremists carried out car bomb attacks in Northern Ireland on 22 and 28 December 1997 and on 20 January 1998. INLA defied the IRA cease-fire on 27 December 1997 by killing LVF leader Billy Wright inside the Maze Prison in Northern Ireland.

⁵⁸⁵ While the IRA was generally successful in enforcing the cease-fire commitment in all its brigades, one incident of the cease-fire broken led to Sinn Féin’s exclusion from the talks for two weeks in March 1998. This fate had been shared earlier by the UDP, which represented the less disciplined UDA. Anyway weak in its grip on the paramilitaries, the party’s authority was further damaged when the British government engaged in direct talks with UDA prisoners bypassing the UDP leadership. The UVF, on the other hand, was the most successful of the paramilitary groups in terms of upholding its cease-fire, even if the price was the break-away of the LVF, which recruited most of its members from dissatisfied former UVF members. Nevertheless, the UVF’s discipline put the PUP, which represented the group politically, in a stronger and more flexible negotiation position in the peace process.

Other problems that occurred were the parallelity rather than combination of confidence-building and negotiation process, and the circulation of a variety of different papers by several participants in the talks without a unanimously agreed negotiation document. Despite these serious difficulties, agreement was eventually reached, not least due to pressure exerted by the two governments, the combined chairmanship of the talks, and the Clinton administration.

The Good Friday Agreement – A Way to a Lasting Settlement?

The Substance of the Agreement

The Good Friday Agreement, which eventually found the consent of all parties involved in the talks process on 10 April 1998, is accompanied by a declaration of support from the two governments, in which they commit themselves to recognising and implementing the will of the majority of the people in Northern Ireland regarding the constitutional status of the province and to upholding the right of all people in Northern Ireland to have dual citizenship of the United Kingdom and the Republic of Ireland. At the same time as the Good Friday Agreement was signed, a new agreement between the two governments will replace the old Anglo-Irish Agreement. In Article 1, the same commitments are made as in the declaration of support, Article two confirms the will of both governments to support and implement the Good Friday Agreement where this falls under their jurisdictional competence, and Article three lays down the procedures for phasing out the 1985 Anglo-Irish Agreement. Article four describes the conditions for the new agreement to enter into force as the enacting of British legislation in accordance with the Constitutional Issues section of the Good Friday Agreement, the amendment of the Irish constitution and its approval in a referendum (also in accordance with the Constitutional Issues section of the Good Friday Agreement), and the establishment of the institutions outlined in the Good Friday Agreement.

The agreement deals with three main issues – democratic institutions in Northern Ireland (Strand One of the negotiations), a North-South Ministerial Council (Strand Two of the negotiations), and the British-Irish Council, the British-Irish Inter-Governmental Conference, and Rights, Safeguards, and Equality of Opportunity (Strand Three of the negotiations).

Concerning Strand One of the negotiations, the establishment of a 108 member strong assembly was agreed. This assembly is elected by the single transferable vote system from existing Westminster constituencies. It will initially exercise full legislative and executive authority over the powers currently held by the six Northern Ireland Government Departments. Subject to later developments, the assembly could take on responsibility for other matters in accordance with the agreement. Among the safeguards to ensure that all sections of the community can participate in the work of the assembly and to protect them in their rights and identities are the allocation of Committee Chairs, Ministers and Committee membership in proportion to party strength in the Assembly; the subordination of legislation to the European Convention on Human Rights (ECHR) and any future Bill of Rights for Northern Ireland over assembly legislation; arrangements to ensure that key decisions are taken on a cross-community basis;⁵⁸⁶ and the creation of an Equality Commission. Crucial for the operation of the Assembly is that its members register their identity as Nationalist, Unionist or Other to have a measurement of community support in place for decisions taken according to the cross-community consent procedures.

According to the agreement, a Committee for each of the main executive functions of the Northern Ireland Administration is established. Chairs and Deputy Chairs of these committees are allocated proportionally according to the d'Hondt system, while ensuring membership in the Committees in proportion to party representation in the Assembly. The responsibility of the Committees includes scrutiny, policy development, consultation, and legislation initiation functions with respect to the Departments with which they are associated, and will have a role in initiation of legislation. Their powers will include to consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation; to approve relevant secondary legislation and take the Committee stage of relevant primary

⁵⁸⁶ There are two such mechanisms: parallel consent; a weighted majority (sixty per cent) of members present and voting, including at least forty per cent of each of the nationalist and unionist designations present and voting. Key decisions requiring either of these procedures cross-community support include the election of the Chair and Deputy Chair of the Assembly, the First Minister and Deputy First Minister, standing orders and budget allocations. There is also the possibility that these procedures can be triggered by a petition of concern brought by at least 30 of the 108 members of the Assembly.

legislation; and to initiate enquiries and make reports. In addition to these permanent committees, the Assembly has the right to appoint special committees as required.

Executive authority on behalf of the Assembly rests with the First Minister and his or her deputy and up to ten Ministers with departmental responsibilities. Following the joint election of the First Minister and Deputy First Minister, the posts of Ministers are allocated to parties based on the d'Hondt system based on the strength of each party in the assembly. An Executive Committee, comprising all ministers and the First and Deputy First Minister is to handle all issues which cut across the responsibilities of two or more Ministers to formulate a consistent policy on the respective issue. Ministers have full executive authority in their respective departmental areas within a policy framework agreed by the Executive Committee and endorsed by the Assembly. In the early hours of 18 December 1998, the pro-Agreement parties at Stormont reached agreement on a list of ten departments for the future government, namely agriculture and rural development, enterprise, trade and investment (to include tourism), health, social care and public safety, finance and personnel, education, advanced education, training and employment, the environment, regional development, social development, culture, arts and leisure. This was a significant step forward on the way to full implementation of the Good Friday Agreement. However, it did not mean the devolution of power to these ministries, an issue that (in September 1999) continues to be delayed.

Concerning legislation, which can be initiated by an individual, a Committee or a Minister, the Assembly can pass primary legislation for Northern Ireland in all areas where it has devolved powers. The passing of legislation is subject to decisions by simple majority of members voting, except for decisions that require cross-community support, to detailed scrutiny and approval in the relevant Departmental Committee, and to co-ordination with Westminster legislation. Any disputes over legislative competence will be decided by the Courts. In its relations with other institutions, the Assembly has to ensure cross-community participation.

As there are a number of powers which will not be devolved to the assembly, the Secretary of State for Northern Ireland retains a role in the political process, including the NIO

matters not devolved to the Assembly, the approval and laying before the Westminster Parliament of any Assembly legislation, and to represent Northern Ireland interests in the United Kingdom.

The Parliament in Westminster will continue to be responsible, among other things, for legislation on non-devolved issues and for legislation necessary to ensure the United Kingdom's international obligations in relation to Northern Ireland.

The agreement also establishes a consultative Civic Forum comprising, among others, representatives of the business, trade union and voluntary sectors and acting as a consultative mechanism on social, economic and cultural issues.

With respect to Strand Two, which dealt with North/South relations, agreement was reached on the establishment of a North/South Ministerial Council to institutionalise formal relationships between the executive organs of Northern Ireland and the Republic of Ireland.⁵⁸⁷ Its responsibilities include consultation, co-operation, and implementation of decisions on issues of mutual concern. All decisions of the Council have to be by agreement between the two sides.

Council meetings are to be held in three different formats – in plenary format twice a year, with the Northern Ireland delegation being led by the First Minister and Deputy First Minister and the Irish Government led by the Taoiseach; in specific formats with the delegations being represented by the respective Minister; and in other appropriate formats to consider institutional and cross-sector matters and to resolve any issues of discontent. Even though the Council and the delegates represented on it have the authority to take decisions on all matters within their competence, implementation is subject to approval by both parliaments.

As a prerequisite for the formal devolution of powers to the Northern Ireland Assembly, inaugural meetings will have to take place of the Assembly, the British/Irish Council and the North/South Ministerial Council in their transitional forms. With a delay of more than one month (the original deadline had been 31 October 1998) the parties in Northern Ireland agreed

six implementation bodies for the North/South Ministerial Council by 18 December 1998 – inland waterways, food safety, trade and business development, special EU programmes, the Irish and Ulster Scots languages, and agricultural and marine matters. Areas of functional co-operation were determined as selected aspects of transport, agriculture, education, health, environment, and tourism.⁵⁸⁷ A change in the arrangements regulating the operation of the North/South Council is possible in the future by agreement of the governments of Great Britain and Northern Ireland and the endorsement of their respective parliaments. Further tasks for the council in the future relate to representing Irish interests at the European level, to develop a form of inter-parliamentary co-operation and to establish a consultative forum comprising representatives of civil society.

According to the agenda of the talks process, Strand Three dealt with three different issues – the establishment of a British-Irish council, the creation of a British-Irish intergovernmental conference, and the broad field of rights, safeguards and equality of opportunity in Northern Ireland.

The British-Irish Council was to be established in relation to a new British-Irish Agreement to deal with the totality of relationships among the peoples of 'these islands', and was thus to bring together within a formal institutional framework representatives of the British and Irish Governments, of the devolved institutions in Northern Ireland, Scotland and Wales and of territorial and political units in the British Isles. The format of meeting is similar to that of the North/South Council. Issues with which the British-Irish Council is to deal include transport links, agriculture, environment, culture, health, education and the European Union. Common policies can be agreed by the members of the British-Irish Council without being binding for all of the regions represented in it. Further arrangements of the operational procedures of the British-Irish Council and changes to existing ones are subject to negotiations and consensual agreement among the representatives within it.

⁵⁸⁷ A more detailed discussion of the nature and workings of the North/South Ministerial Council can be found in O'Leary, "The Nature of the British-Irish Agreement", pp. 80-82.

⁵⁸⁸ In the area of tourism, a joint North-South public company is to be established.

In addition to the British-Irish Council, a British-Irish Intergovernmental Conference will be established according to a new Anglo-Irish Agreement subsuming both the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference established under the 1985 Agreement. The task of the conference will be to promote broad and substantial bilateral co-operation between the United Kingdom and the Republic of Ireland. As part of this, the conference will also deal with all the non-devolved matters of the affairs of Northern Ireland, including security, rights, justice, prisons, and policing.

The third area – rights, safeguards and equality of opportunity – covers a wide variety of different matters and sets out a framework for the implementation of new policies in the areas of human rights, reconciliation, economic, social and cultural issues, decommissioning of paramilitary weapons, security, policing and justice, and prisoners, including the necessary changes in United Kingdom and Irish legislation, the creation of new institutions in Northern Ireland, the set-up of a commission on policing and of a joint committee of representatives of the Human Rights Commissions in the Republic of Ireland and in Northern Ireland, and a review of the criminal justice system.

Pitfalls on the Way Forward

Different Expectations and Interpretations

The two communities and the political parties representing them have interpreted the Good Friday Agreement in very different fashions. The interpretations reached from 'destruction of the union with Britain' (DUP, UKUP) to 'strengthening the union' (UUP, PUP) in the Unionist community, and from 'basis for a (permanent) settlement' (SDLP) to 'transitional arrangement on the road to a united Ireland' (SF) in the Nationalist community. The stability of the political process will essentially depend upon the ability of the arrangements to manage and accommodate these diverse expectations about what the long-term political and constitutional perspectives for Northern Ireland are under the Good Friday Agreement.

Closely related to these general expectations, are the various demands in terms of the contentious issues not covered by precise arrangements in the Good Friday Agreement, but deferred to later specification. Of all these, the matter of the early release of prisoners is probably the one that can be resolved most easily, as it effects both communities in a similar way – both communities include victims and prisoners and their friends and relatives. Provided that the release of prisoners does not spark a new round of feuds and vendettas, it is likely that their release could provide some stability by exercising pressure on the paramilitary organisations to uphold their cease-fires and might provide incentives for those paramilitary groups who have not declared cease-fires yet to do so.

Policing

Against the background of very different community experiences and levels of identification with the police forces in Northern Ireland, the issue of policing has remained one of the most contentious areas of disagreement even after the Good Friday Agreement, as community expectations and demands are very divergent. The fundamental conflict here is not so much over whether there should or should not be a reform of the policing system, but over the degree to which such a reform should be carried out. While Nationalist opinion tends towards radical reform, up to the disbanding of the RUC, Unionist attitudes, although recognising the need for a more representative police force, favour less decisive reforms. This difference in approach has not least to do with the widespread feeling among Protestants/Unionists that the RUC is 'our' police force as compared to the Nationalist perception of the RUC being 'their' police force. The 1992 Social Attitudes Survey highlighted the degree of difference in perceiving the RUC. Only thirty-nine per cent of Nationalists were quite or very satisfied with the RUC's work, an almost equal number being quite or very dissatisfied (thirty-seven per cent). A significantly different picture emerged about satisfaction among Unionists – eighty-seven per cent were either very or quite satisfied, as compared to only six per cent of them who noted their dissatisfaction. Dissatisfaction in the two communities about the RUC's effectiveness in dealing with non-sectarian crime differed equally. Among Nationalists, twenty-six per cent believed the

police were doing a very or fairly bad job; among Unionists, the corresponding figure was four per cent. In relation to sectarian crime, forty-two per cent of Nationalists gave the RUC credit for its efforts, while more than twice as many Unionists (eighty-eight per cent) did so. In a 1996 survey for the White Paper *Foundations for Policing*, the degree of satisfaction with the RUC's work remained at a similar level in the Unionist community, while it seemed to have improved among Catholics/Nationalists. A difference between the two communities of more than ten per cent, however, remained with seventy-nine per cent of Protestants/Unionists and sixty-seven per cent of Catholics/Nationalists thinking that the RUC did a good job. As regards the equality of treatment of members of both communities by the RUC, attitudes have changed only little, as among Catholics/Nationalists far fewer people assumed equality of treatment at the hands of the RUC as a given in Northern Ireland.⁵⁸⁹

Clearly, from this point of view, both communities have very different expectations about the degree of reform necessary. Although the Good Friday Agreement does not make any specific provisions in relation to a reform of the police service, but leaves details to further negotiations and the recommendations of an independent commission, the terms of reference for the work of this independent commission are quite tight.⁵⁹⁰ Nevertheless, the question once again arises whether the general structures of the political process laid out by the agreement will be able to accommodate the different demands of the two communities. The strong orientation towards co-operation and joint structures against the background of fundamentally different expectations about the outcome of reform raise some doubts about the success of this venture.

Parades

Similarly, the parades issue is highly contentious between the two communities, again related to the rather different experiences historically and the notions connected to it. Clearly, parades

⁵⁸⁹ Cf. Mary Duffy and Geoffrey Evans, "Class, Community Polarisation, and Politics", in Lizanne Dowds, Paula Devine, and Richard Breen, *Social Attitudes in Northern Ireland: The Sixth Report* (Belfast: Appletree Press, 1997).

⁵⁹⁰ Annex A of the provisions on "Policing and Justice" stipulates in relation to the independent commission that "[i]ts proposals on policing should be designed to ensure that policing arrangements, including composition, recruitment, training, culture, ethos and symbols, are such that in a new approach Northern Ireland has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole." It goes

form an important aspect of Unionist identity. The commitment towards a recognition of equal chances for both traditions in Northern Ireland to be expressed and developed requires respect for parades.⁵⁹¹ Equally, however, it requires the respect for the feelings of the Nationalist community, many of whom feel offended by what they perceive as triumphalist and sectarian manifestation of Unionist supremacy. Yet again, the division between the communities is not as clear-cut. The Nationalist community does not in general dispute the right of Protestants/Unionists to march and perform their rituals, but rather demands equal respect for the feelings of its members, i.e., to abstain from marching through mainly Catholic estates. The Unionist community, on the other hand, is prepared to make certain concessions, such as not having their bands play while marching through Nationalist residential areas, but they insist on their right to march on the 'Queen's/King's highway' and see any limitation of this right as violation of their basic civil liberties, and as a threat to their traditional way of life.

The parades commission, set up to deal with this contentious issue, has so far not been very successful in brokering any long-term deal between the opposing sides in any of the main areas of contention,⁵⁹² all of which are predominantly Catholic housing estates. Any decision made by the commission is likely to offend either of the two communities – re-routing or banning a parade has caused severe disturbances and rioting in past years among Loyalists, while the permission to allow a parade to go ahead has had similar effects in the Nationalist camp. In addition, enforcing a decision of the parades commission has not always been possible or easy for the security forces, as the 1996 and 1997 events in Drumcree have proven.

While it is unlikely that this issue will severely disrupt the peace process and the implementation of the Good Friday Agreement, its annual recurrence and high degree of emotionality involved will not further inter-communal reconciliation unless a more widespread

then on to outline in relative great detail how the proposals of the independent commission are to contribute to enabling the RUC of policing in a peaceful society.

⁵⁹¹ The only significant parade of a Nationalist organisation, the Ancient Order of Hibernians, is rather low profile, but there are a number of Republican parades.

⁵⁹² These are Bellaghy, Bogside, the Garvaghy Road in Portadown, Dunloy, Newtownbutler, and the (Lower) Ormeau Road in South Belfast.

understanding of each other's position and preparedness to accept responsibilities for the future alongside ancient rights develops.

Decommissioning

Finally, decommissioning is a matter over which the two communities are split within themselves. While both include large sections of people supporting the principles of non-violence and of strictly peaceful means in politics, there is also a hardcore of Loyalist and Republican followers who have affiliations with paramilitary groups and whose mindset is rather different. Having lived through thirty years of troubles, both the constitutional and paramilitary camps have had rather similar experiences, yet their interpretations and conclusions were fundamentally different. What complicates the issue further is the fact that it seems difficult for the hardcore in each community to understand that the security of one's own group, based on the continued ability to defend oneself with arms, is very often perceived as a threat by the respective other group. Mistrust and the experience of suffering over decades are unlikely to be transformed into trust and mutual understanding in the short term. On the other hand, even if decommissioning took place, it might give a false sense of security as it does not involve a disruption of the existing paramilitary structures nor a destruction of the paramilitary's capability to rearm themselves at any time.

As of April 1999, the issue of decommissioning continues to have severe political repercussions inasmuch as the UUP has created a connection between the beginning of paramilitary disarmament and the ability of political parties linked to paramilitary organisations, in particular Sinn Féin, to become members of the new Northern Ireland executive.⁵⁹³ If Unionists manage to prevent Sinn Féin from taking its seats on the executive, or alternatively to delay further implementation of the agreement, this would contribute to further alienation not just between (sections of) the two communities, but also between parts of their elite. Several attempts to resolve the decommissioning deadlock, including an initiative by Tony Blair and

⁵⁹³ In contrast to the PUP, Sinn Féin is entitled to seats on the executive because of its performance during the 1998 assembly election.

Bertie Ahern for a collective act of reconciliation,⁵⁹⁴ have failed so far. A more recent initiative by John Hume proposes that Sinn Féin would expel itself from the executive if, within one month of taking up their seats, the decommissioning of IRA weapons had not begun.⁵⁹⁵

As the workability of the Good Friday Agreement depends particularly on a high degree of elite and inter-communal co-operation, the issue of decommissioning, and how it is handled, is of grave importance for the political future of Northern Ireland not just from a security point of view. Despite the fact that the major paramilitary organisations remain committed to their cease-fires, the Omagh bomb of August 1998 made it clear that there are also very grave security aspects.

Thus, the deadlock over decommissioning that has delayed the implementation of the Good Friday Agreement on several occasions so far is an indication of the procedural and political difficulties that might occur in its future operation. Politically, all parties in the assembly, and more so in the executive, have to formulate their policies with respect to the interests of the communities they represent and, ideally, with an eye to the workability of the institutions created by the agreement, that is, with an eye to the pressures to which their partners and opponents in the assembly and executive are subjected. The existence of extensive communal veto powers and the particular procedural set-up in which all the institutions created by the Good Friday Agreement, then, might enable parties to bloc the political process.

⁵⁹⁴ Blair and Ahern had suggested the following:

"On [date to be set] nominations will be made under the d'Hondt procedure of those to take up office as ministers when powers are devolved.

At a date to be proposed by the Independent International Commission on Decommissioning but not later than [one month after nomination date] a collective act of reconciliation will take place. This will see some arms put beyond use on a voluntary basis, in a manner which will be verified by the Independent International Commission on Decommissioning, and further moves on normalisation and demilitarisation in recognition of the changed situation on security.

In addition to the arrangements in respect of military material, there will at all times be ceremonies of remembrance of all victims of violence, to which representatives of all parties and the two governments, and all churches, will be invited.

Around the time of the act of reconciliation, powers will be devolved and the British-Irish Agreement will enter into force.

The following institutions will then be established: the North-South Ministerial Council, the North-South Implementation Bodies, the British-Irish Council and the British-Irish Intergovernmental Conference.

By [one month after nomination date], the Independent International Commission on Decommissioning will make a report on progress. It is understood by all that the successful implementation of the Agreement will be achieved if these steps are taken within the proposed time-scales; if they are not taken, the nominations mentioned above will fall to be confirmed by the Assembly.

⁵⁹⁵ As of April 1999, official responses to Hume proposal have been vague, but not unfavourable.

Summary: A Future for the Good Friday Agreement?

Despite the apparent comprehensiveness of the Good Friday Agreement and its endorsement by overwhelming majorities in Northern Ireland and the Republic, the question remains whether it provides an effective framework for a permanent resolution of the conflict. In order to answer this question, the following issues need to be clarified: In how far is the 1998 agreement different from previous agreements reached on Northern Ireland? In how far are the circumstances different in 1998 and beyond as compared to 1973, 1985, and 1993? What potential problems can arise in the course of the implementation of the agreement and in the developing political process in general and how effectively can these problems be dealt with within the agreed institutional framework?

Starting with the first of these issues, a comparison between the Sunningdale Agreement, the Anglo-Irish Agreement, the *Joint Declaration*, and the Good Friday Agreement reveals that there is a core of issues dealt with by all these agreements in a similar manner.

Table 18: Agreements on and in Northern Ireland, 1973-1998

	Sunningdale Agreement	Anglo-Irish Agreement	Joint Declaration	Good Friday Agreement
Signatories	United Kingdom, Republic of Ireland, UP, SDLP, APNI	United Kingdom, Republic of Ireland	United Kingdom, Republic of Ireland	United Kingdom, Republic of Ireland, UUP, UDP, PUP, NIWC, L, APNI, SF, SDLP
Consent Principle	X	X	X	X
Self-Determination	O	O	X	X
Reform of the Policing System	X	X	O	X
Prisoners	X	(X)	O	X
Bill of Rights	X	X	(X)	X
Abandonment of Violence	X	X	X	X
Security Co-operation	X	X	O	X
Cross-border Co-operation	X	X	X	X
Recognition of Both Identities	O	X	X	X
Inter-governmental Co-operation	X	X	X	X
Institutional Role for the Republic of Ireland	X	X	X	X
Co-operation between Unionists and Nationalists	(X)	X	X	X
Inter-Island Co-operation	O	(X)	X	X
Devolution of Powers	X	X	(X)	X

Key: X – issue addressed; (X) – issue implicitly addressed; O – issue not addressed.

However, there are also a number of differences between the agreements. These relate, in the first place, to the signatories of each of the agreements. While the United Kingdom and the Republic of Ireland have signed all of them, the prior negotiation process did only on two occasions (Sunningdale and Good Friday Agreements) involved political representatives from the communities in Northern Ireland. Clearly, the participation has been far broader in the 1997/98 talks process and, even more significantly, comprised representatives of paramilitary organisations alongside the mainstream constitutional parties.

A second difference concerns the comprehensiveness and detail of the arrangements. Here the Good Friday Agreement, as it is based on an inclusive negotiation process, addresses the greatest number of issues and lays down, for most of these issues, in great detail the operational procedures for their implementation.

A third difference is the character of the implementation process. Only the Good Friday Agreement was proposed to the people in the Republic of Ireland and in Northern Ireland in a referendum, while all the others were more or less implemented by government decree, thus giving the people a sense of imposition. The majority with which the Good Friday Agreement was endorsed by the population north and south of the border and across the communities in Northern Ireland is so far unprecedented in the history of the conflict. A survey in 1996 on the attitudes of relevant publics in Northern Ireland towards negotiations and negotiated settlements concluded that, if a settlement based on the 1995 framework documents was to work, it would require positively persuading Unionists that such an agreement would offer "them the best long-term insurance they can get" and that there would be no better alternative. Parallel to this, nationalists should not be told, nor maintain, "that they have established all the necessary stepping stones to achieving a unified Ireland within a decade." Given the referendum and election results, the persuading of Unionists seems to have been sufficient to generate a small majority within the Unionist community to support the Good Friday Agreement. However, it

remains to be seen how long this majority will persist under the strains to which the agreement has been, and continues to be, subjected.⁵⁹⁶

Fourth, as another contextual matter, since the beginning of the final round of the negotiation process in the autumn of 1997, the major paramilitary organisations on both sides have upheld their cease-fires, thus providing a climate of relative calm and peace.

Finally, there is the question of what alternative arrangements will be put in place in case the Good Friday Agreement fails. In particular, a comparison with the situation that existed after Sunningdale reveals that the incentives for both communities to find a *modus vivendi* within the agreement structure are more compelling than they were before. The failure of Sunningdale meant the re-introduction of direct rule, an outcome that many in the Unionist community preferred to power sharing. A failure of the Good Friday Agreement, however, will mean most likely that the United Kingdom and the Republic of Ireland will move towards shared sovereignty over Northern Ireland. Clearly, this is not an outcome that Unionists would prefer. Nationalists, however, would also lose out, as the influence of both communities on the decision making in Northern Ireland would decrease to a level well below to what they have achieved now.

Considering the (potential) problems facing the implementation of the agreement in relation to different expectations and expectations, parades, decommissioning and policing, the institutional framework set up by the Good Friday Agreement needs to be examined in its capability to deal with them in a satisfactory way. All the potential pitfalls outlined above concern primarily the conflicting parties in Northern Ireland, yet the two governments are involved to a certain degree in each of it. The consequence of this is that the British-Irish Council will have no direct involvement in the settlement of these problems, as its mandate does not cover anything beyond common policies agreed by all participants.

⁵⁹⁶ Cf. Geoffrey Evans and Brendan O'Leary, "Frameworked Futures: Intransigence and Flexibility in the Northern Ireland Elections of May 30 1996" in *Irish Political Studies* 12, 1997, pp. 23-47, here p. 45f.

The internal institutional set-up consisting of the assembly and the executive in combination with the interest structure of the parties represented in them will be involved to a considerable degree, yet the procedure of decision-making and implementing suggests that agreement will be very difficult to reach.

That will leave considerable problems for the North/South institutions and their operation as they might be instrumentalised for other political goals. It is also likely that, because of their involvement in the prisoner and security policy issue, both the British and Irish governments individually and the newly established intergovernmental conference would be left with a great deal of tough decision-making and implementing as well as mediation between the political parties in Northern Ireland. Even though the British government has retained authority over security policy, enforcing decommissioning would neither be easy, nor are the consequences of a security crack-down on paramilitaries foreseeable. Similarly, any decisions on policing are extremely unlikely to go down well with either of the communities – a half-hearted middle-of-the-road approach would alienate both of them from the government, disbanding the RUC might please the Nationalist community, while leaving things mostly as they are would be acceptable to the Unionist community only.

In summary, the conflict in Northern Ireland in all its different aspects and dimensions and in its dependence on factors that can be influenced only to a limited degree by the political actors in Belfast, London, and Dublin is not certain, but also not unlikely, to be resolved within and by the institutional framework set out in the Good Friday Agreement. The reason for this uncertainty is that the Good Friday Agreement, as any other agreement reached before, is dependent upon co-operation and compromise of two communities that have fundamentally different political aspirations and identities. These, of course, may change over time provided opportunities and incentives for such change exist.

Table 19: Conditions Accounting for the Possibility of the Good Friday Agreement

- **In the United Kingdom:**
 - ❑ Change in government, fresh and more determined approach to achieve an inclusive settlement
 - ❑ Pressure on all sections of the communities in Northern Ireland to compromise
 - ❑ Greater degree of flexibility on key issues, such as Sinn Féin participation in the negotiation process, decommissioning, early release of prisoners, etc.
 - ❑ Negotiation of a new Anglo-Irish Agreement
 - ❑ Reiteration that any change in the constitutional future of Northern Ireland was subject to the approval of the people of Northern Ireland
 - ❑ Close co-operation with the government of the Republic of Ireland and the international chairmanship of the talks
- **In the Republic of Ireland:**
 - ❑ Preparedness to withdraw the constitutional claim to Northern Ireland
 - ❑ Pressure, particularly on Sinn Féin and the IRA, to appreciate the opportunity presented by the multi-party negotiations in 1997/98
 - ❑ Active steps to address concerns of the Unionist community in Northern Ireland
 - ❑ Close co-operation with the government of the United Kingdom and the international chairmanship of the talks
 - ❑ Opportunity for the citizens of the Republic of Ireland to approve the agreement
- **In Northern Ireland:**
 - ❑ Inclusion of all parties in the negotiation process based on a prior election
 - ❑ Opportunity for the people of Northern Ireland to approve the agreement
 - ❑ Protection mechanisms built into the agreement to address concerns of both communities
 - ❑ Cease-fires of all major paramilitary organisations considerably reducing the level of violent inter-ethnic conflict
- **International Context:**
 - ❑ International, particularly American, involvement in the talks process, including official and unofficial pressure on both communities to come to a settlement and on the IRA to maintain its cease-fire

VIII. Condominium Status as a Settlement for Ethno-Territorial Cross-Border Conflicts

Preliminaries: Two Case Studies of Condominia

The patterns of conflict settlement in both South Tyrol and Northern Ireland fall within the larger category of bilateral mechanisms. However, among such bilateral solutions to accommodate ethno-territorial cross-border conflicts, a major distinction must be made between those which provide for a permanent institutional involvement of the kin-state, such as in Northern Ireland, and those which accord it only a temporary role during the negotiations, and potentially one in the monitoring of the implementation and operation process, as has been the case in South Tyrol. Further examples of this latter kind of bilateral settlements latter can also be found in the numerous bilateral agreements established in the inter-war period under the auspices of the League of Nations and, more recently, in the context of the democratisation in Central and Eastern Europe. The precise nature of these compromises can span from basic human rights guarantees, to forms of cultural autonomy, and to complex consociational frameworks.

Yet, not every ethno-territorial cross-border conflict can be solved through either of these bilateral mechanisms, or, for that matter, through the political and economic integration of an external minority, such as in Alsace. An only temporary role of the kin-state may not in every case be acceptable to the external minority, nor may a secession/irredenta be acceptable to is host-state or the international community. In this context, then, it seems particularly worthwhile to look at what is referred to as condominium. So far, no comprehensive theory of the condominium has been developed, and it can certainly not be the task of this study to do so.⁵⁹⁷ Nevertheless, some brief and general remarks about this special kind of arrangement must and can be made.

⁵⁹⁷ Interesting case studies of the condominium problem are Cyril S. Belshaw, *Island Administration in the South West Pacific* (London: Royal Institute of International Affairs, 1950), R. A. S. Forster, "Vanuatu – The End of an Episode of Schizophrenic Colonialism", *The Round Table* 280 (1980), pp. 367-373, Edward Jacomb, *France and England in the New Hebrides* (Melbourne, 1914), James V. MacClancy, *To Kill a Bird with Two Stones* (Port-Vila, 1980), Linden A. Mander, "The New Hebrides Condominium", in *The Pacific Historical Review*, June 1944, pp. 152-162, D. Schindler, "Andorra", in Rudolf Bernhardt (ed.), *Encyclopaedia of Public International Law* (Amsterdam: North Holland, 1992), vol. I, pp. 164-165, and George Woodcock, "Two-Fellow Government", *History Today* 25(1975)8, 568-575.

Condominiums have historically not been set up to accommodate ethnic conflicts; rather, they were meant to settle territorial disputes between states. Nevertheless, their potential relevance in the context of ethno-territorial cross-border conflicts must not be underestimated, because they can be used to set up a meaningful framework within which ethnic as well as territorial claims can be accommodated. Potentially, a condominium arrangement might even be the only way to manage protracted secessionist/irredentist ethno-territorial cross-border conflicts successfully and to arrive at a permanent and stable settlement. The conditions for such success are several, depending both upon the nature and intensity of the ethnic and territorial conflicts and on the provisions adopted in the condominium settlement.

As the previous case studies have indicated, there are three basic patterns ethno-demographic situations in disputed territories in the context of ethno-territorial cross-border conflicts – relative ethnic homogeneity, i.e., the disputed territory is primarily inhabited by members of the external minority, as in the Saar and Alsace; ethnic heterogeneity with the external minority either being a local majority, as in South Tyrol, or a local minority, as in Northern Ireland. It has also become obvious from the previous case studies that, all else being equal, the settlement of ethno-territorial cross-border conflicts that involve an ethnically mixed disputed territory with actual or potential high levels of inter-ethnic conflict are more difficult; and I will therefore, and for other reasons that will become apparent, concentrate in the following on condominium arrangements for ethnically mixed disputed territories.

Prior to this, however, it seems reasonable to examine actual examples of condominiums, even though they may not have been adopted as settlements for ethno-territorial cross-border conflicts in the way the term is used here. Recent history has seen two basic types of condominium. One is the Andorran arrangement of territorial self-government of the area in question with the decisions made at territorial level subject to approval by the condominium powers. The other model is the New Hebrides, where the result of the Franco-British settlement of 1906 and its predecessors was the non-territorial division of the area with each power retaining supreme authority over its respective citizens/subjects and other (non-native) residents

being free to choose under whose jurisdiction they wish to fall. The examination of these two cases will highlight the specific circumstances under which both condominiums came into existence and were/are operated. From this, a model will be developed that will outline a condominium-style settlement that could be successfully employed for the settlement of ethno-territorial cross-border conflicts in ethnically mixed areas with (potentially) high levels of inter-ethnic conflict.

The Franco-Spanish Condominium in Andorra

Andorra is the oldest and most successful condominium in the world. After gaining statehood in 1278, the country has survived unharmed, existing between its two neighbour countries France and Spain, which jointly guarantee its rights and liberties.

With an area of only 450 square miles and a resident population of about 75,000, Andorra is completely dependent upon the provision of most services by its neighbours. The national population is widely homogeneous both in its religion (Roman Catholic) and language (Catalan). However, only thirty per cent of all people resident in Andorra have Andorran citizenship, while the other seventy per cent are mostly migrant workers from Spain and France.

The first Andorran constitution was adopted by the Andorran people and approved by the joint (co-statal) sovereigns in 1993. It set out unique provisions to accommodate the historic rights of the two co-princes and the Andorran desire for greater political independence. Thus, Andorra became a parliamentary democracy that retains as its head of state two co-princes, namely the President of France and the Bishop of Urgell in Spain. The new arrangements changed Andorra's political system from co-statal sovereignty to a system of sovereignty shared between the two co-princes and the Andorran people.

From the Beginnings of Andorran History to the 1993 Constitution⁵⁹⁸

After the fall of the Roman Empire, of which Andorra had been a part, the area was used by various Germanic tribes as a gateway into the Iberian Peninsula. By the time of the invasion of the Moors, the Andorran population was mostly of Christian belief. Consequently, they supported Charlemagne in his struggle against the Arabs and were awarded the *Carta de Fundacio d'Andorra*. The Parishes of Andorra were mentioned for the first time in the act of consecration of the Cathedral of La Seu d'Urgell in 839 as belonging to the territory of the Count of Urgell. After the death of Charlemagne and the partition of his empire, Andorra fell under the rule of the Count of Urgell, who ceded the lands to the Bishop of Urgell in 1133.

As a result of military disputes between the Church of Urgell and some neighbouring lords, the Bishop sought the protection of the Caboet family. In 1159, the Bishop and the Caboets agreed a treaty that recognised the sovereignty of the Bishop of Urgell over Andorra. Despite the agreement, the dispute was not resolved until 1278, when the Count of Foix and the Bishop of Urgell signed a new peace treaty after the King of Aragon had exercised pressure on both warring parties. This and a later treaty recognised Andorran independence and the simultaneous obligation to pay an annual tribute alternately to the Count of Foix and to the Bishop of Urgell. This historic agreement still forms the basis of Andorra's constitution and political institutions.

In 1419 the population of Andorra petitioned the two co-princes to obtain permission for the establishment of a local parliament to take care of local affairs. The heads of households, i.e., the male citizens over the age of twenty-five, elected the twenty-four members of this Council of the Land (four from each parish).

Over time, the rights of the French co-prince passed into the hands of the King of France as a consequence of the Counts of Foix's accession to the throne. When the French

⁵⁹⁸ The history of Andorra is only sparsely documented. The following short account is based upon the following sources: *Europa World Yearbook 1996*, vol. I, pp. 352-355; Schindler, D., "Andorra", in Rudolf Bernhardt (ed.), *Encyclopaedia of Public International Law* (Amsterdam: North Holland, 1992), vol. I, pp. 164-165; Daniel J. Elazar (ed.), *Federal Systems of the World* (Essex: Longman, 1991); information publicly accessible at <http://www.andorra.ad/> The CIA World Fact Book at <http://www.odci.gov/cia/publications/nsolo/factbook/an.htm>;

monarchy was overthrown in 1793, Andorra remained without French protection until 1806, thus risking becoming a territory under the exclusive sovereignty of the Bishop of Urgell. However, the French rights to Andorra, and the Andorran rights to independence, were reinstated with the institution of Napoleon I as Emperor of France. When France became a republic in 1870, the responsibilities and rights of the French Emperor concerning Andorra passed to the President of the Republic.

In 1933, an attempt by a handful of Andorran Royalists to install a monarchy failed because of the joint intervention of the two co-princes. After the suspension of the Council of the Land, new elections were held according to a revised election law, allowing every male citizen over twenty-four years of age to participate actively, and every man over the age of thirty to stand for election. It was only in 1970 that women were granted active and passive voting rights. In 1971 the age barrier for active voting was lowered to twenty-one years. In 1978 the administrative structure of Andorra was changed from six to seven parishes.

In 1981, the Andorran citizens petitioned their co-princes again to allow them to set up their own executive branch. This was granted by the co-princes and a government was established, whose Head is elected by the General Council and who is assisted by four to six Government Councillors, who act as Ministers, each responsible for a particular area.

Constitutional Arrangements for the Condominium

First attempts to reform the medieval institutions of Andorra had failed in 1984, but after the elections in 1989 resulted in a narrow majority for reform-orientated politicians a constitution was drafted. It was approved by Parliament in 1992 and adopted after a referendum in March 1993.

The Status of the Co-Princes

Title three of the Andorran constitution makes binding arrangements for the role of the co-princes – the Bishop of Urgell and the President of the French Republic – in the Andorran political system, in which they form a joint and indivisible institution, have equal power, and assume the highest representation of Andorra (Art. 43/1, 2).

In their responsibility for moderating and arbitrating the functioning of the Andorran political system, the co-princes are granted immunity. Sole responsibility for their acts lies with those Andorran representatives who counter-sign their acts (Art. 44/2, 3). Co-principal responsibilities that require the counter-signature either of the Head of Government or of the Sindic General (speaker of the parliament) include calling general elections and referenda, appointing the Head of Government and other office holders, signing the decree for the dissolution of parliament, accrediting diplomatic representatives to Andorra, and enacting laws passed by parliament (Art. 45/1, a-h). In addition to these functions, the co-princes also participate in the negotiation of international treaties that have an effect on Andorra's relations with France and Spain (Art. 66/1).⁵⁹⁹

Independent of the approval of Andorran officials, the co-princes are allowed to perform a variety of functions, including: exercising the prerogative of grace, establishing institutions and appointing officials necessary for the performance of their co-principal functions, appointing the members of the Higher Council of Justice and of the Constitutional Court, requiring preliminary judgements of the constitutionality of laws and international treaties before their enactment or ratification (Art. 46/1, a-f). These functions may be delegated to the permanent representatives of the co-princes (Art. 46/2).

Legislative, Judicial, and Executive Institutions

According to Article 50 of the constitution, the parliament represents the Andorran people (i.e., the citizens of the co-principality), exercises legislative and budgetary powers, and controls the

government. Election to the parliament, which has a minimum of twenty-eight and a maximum of forty-two seats, is half by proportional representation (with Andorra as a single constituency) and half by simple majority vote of two candidates from each of the seven provinces (Art. 52). About seventy per cent of all people resident in Andorra are excluded from voting, as the ethnic composition of the population is thirty per cent Andorran, who are eligible for voting, sixty-one per cent Spanish, six per cent French, and three per cent other foreign nationals, none of whom qualifies for voting according to Andorran law.⁶⁰⁰

The legislative initiative rests with the members of parliament and the government (Art. 58/1). However, if at least three parishes act jointly together or a legislative proposal is signed by at least ten per cent of the electorate, this is equally considered an appropriate legislative initiative, which the parliament has to take into account (Art. 58/2).

The parliament elects the speaker and deputy speaker from within its members, and the head and ministers of the government from candidates who are not members of the parliament (arts. 55/1, 2; 78/2). The parliament may be dissolved prematurely on an initiative by the head of government and after the approval of the co-princes.

The organisation of justice in Andorra is uniform, consisting of Magistrates' Courts, the Court of Justice, the Higher Court of Justice, and the Constitutional Court (arts. 85/2; 87). Judicial power is vested in independent judges. The Higher Council of Justice functions as the organ that represents, directs, and administers the organisation of the judicial system, and ensures its independence (arts. 87, 89/2). The Constitutional Court, as the highest organ of justice in Andorra, decides upon the constitutionality of laws, executive regulations, institutional procedures, and international treaties and arbitrates in cases of conflict between constitutional organs (Art. 98/ a-d).

⁵⁹⁹ Andorra has not a very active foreign policy. Consular and ambassadorial representation is usually provided by France. The country is a member of, among others, the UN, UNESCO, and the Council of Europe.

⁶⁰⁰ Figures from 1995.

The Operation of the Condominium

The determination of all three involved powers to adhere to the 1993 regulations and the overwhelming acceptance of the constitution by the Andorrans has provided conditions in which a smooth operation of the condominium is possible without major problems. The longstanding tradition and success of the condominium further increases the stability of the current institutional set-up.

The Anglo-French Condominium in the New Hebrides

Located 1400 miles north-east of Sydney, the New Hebrides are a chain of more than sixty islands in the South Pacific, stretching over 550 miles in north-south direction and occupying a total area of about 5,700 square miles. The main islands are Santo, Ambae, Malekula, Ambrym, Pentecost, Efate, and Tanna. The current population is about 174,000 people, most of them Melanesians. Official languages are English, French, and Bislama (Vanuatu pidgin), but about one hundred different native languages and dialects are spoken as well. Dominant religions are Catholic (mostly among the Francophone part of the population) and Anglican/Presbyterian (among the Anglophones). One so-called 'cargo-cult' exists, too. The main resources are agricultural, in particular, copra, beef, and cocoa. In addition, income is generated through the provision of 'tax haven' services to international companies and tourism.

Historical Developments until 1887⁶⁰¹

Archaeological evidence indicates that by 1300 BC the northern islands of the chain were settled by people from Melanesian islands to the west. Since then, successive waves of migrants have reached the islands. Around 1200 AD, a highly stratified society began to develop.

⁶⁰¹ The most comprehensive historical account on the New Hebrides is James MacClancy's *To Kill a Bird with Two Stones* (Port-Vila, 1980). Good shorter pieces on New Hebridean history can be found in Edward Jacomb, *France and England in the New Hebrides* (Melbourne, 1914), C. B. Humphreys, *The Southern New Hebrides* (Cambridge: Cambridge University Press, 1926), C. Brunson Fletcher, *The Problem of the South Pacific* (London: Heinemann, 1919), C. Harley Grattan, *The South Pacific to 1900* (Ann Arbor: The University of Michigan Press, 1963), John M. Ward, *British Policy in the South Pacific* (London: Australasian Publishing Co., 1948), Linden A. Mander, *Some Dependent Peoples of the South Pacific* (Leiden: E. J. Brill, 1954), Robert Aldrich, *The French Presence in the South Pacific, 1842-1940* (Basingstoke: Macmillan, 1990), Stephen Henningham, *France and the South Pacific* (Sydney: Allen and Unwin, 1992), and Howard van Trease, *Melanesian Politics – Stael blong Vanuatu* (Canterbury, NZ: University of Canterbury Press, 1997). The following historical sketch is based on these works.

The islands were discovered by Spain in the 1560s, but more consistent European contact began only with the Portuguese Fernández de Quirós in the early seventeenth century. Some sixty years later, the French navigator Louis-Antoine de Bougainville set foot on the island, followed by the Briton James Cook, who mapped the islands and named them New Hebrides.

Actual colonisation started with European missionaries and sandalwood traders from the 1840s onwards. Their impact on the indigenous people was only minimal and, in particular the early evangelisation attempts, were not very successful. A more significant effect was the return of thousands of Melanesian men and women who had worked on plantations in Fiji, New Caledonia, and Australia after 1860. New forms of political influence were exerted by, and on, the mainly Presbyterian missions and native competition with European colonists increased.

The Europeans who came to the islands were mostly French and British and they began to receive increased backing from their home governments against the indigenous population, but also against the respective other settler community. The presence of a rival group of colonists, more than threats from the native population, required both France and Britain, respectively, to intervene in the New Hebrides to protect the interests of planters and missionaries, commercial development, investments, land claims, and regular shipping routes.

By the 1870s, France had the stronger commercial interests in the New Hebrides, while Anglo-Australian concerns were predominantly about containing Catholic influence in the South Pacific and maintaining and enlarging their own political influence. Both France and Britain had to compete with Germany, which, after 1871, took an active interest in expanding into the South Pacific. Thus, demands for a take-over of the islands came from both settler communities, but neither Britain nor France were keen to act upon them.

Both countries, at the time, pursued a policy of minimum intervention in the Pacific and shied away from confrontation over the New Hebrides. Alarmed by the increasing take-over demands by Australia, the French government suggested an exchange of notes with Britain to

achieve agreement about the status of the New Hebrides. Accordingly, the governments pledged to respect the independence of the island chain in 1878 and renewed this agreement in 1883.

The Period of the Joint Naval Commission, 1887-1906

From the beginning of the 1880s onwards, the situation in the South Pacific became more tense, not only between France and Britain, but also as a consequence of German advances. The annexation by Germany of the north-eastern corner of New Guinea in 1884 prompted the British government to reconsider its policy, and subsequently a stronger British presence in the region was assured through the take-over of south-eastern New Guinea in 1886, of the Gilbert and Ellice Islands in 1892, and of the Solomon Islands in 1893.

In the New Hebrides, British and French interests met and clashed at the same time. The islands were considered to be of vital strategic interest for, and by, Australia, which strongly objected to any foreign power extending its territorial and political influence in the region. On the other hand, French settlers claimed almost eighty-seven per cent of the islands' land and dominated the commercial sector. Thus, neither power could ignore the potential of a German take-over. Therefore, France and Britain set up a Joint Naval Commission in 1887. Its main purpose being the protection of the life and property of European settlers, the commission was the smallest common denominator upon which France and Britain could agree. Franco-British relations at the time were complicated by a number of issues, many of which were not at all associated with the New Hebrides, but rather with the respective geo-political positions of the two European powers. The Suez Canal question and the Somaliland boundary problem were factors that influenced the relationship just as much as the question of fishing rights off Newfoundland and German threats against France over Morocco. A further confrontation over the New Hebrides, therefore, was not desired by either Britain or France.

Soon after the set-up of the Joint Naval Commission, however, it became clear that this arrangement, based on traditional gunboat policies, was by no means an adequate substitute for institutionalised government. While the operation of the commission did not satisfy either of the states, it also continued to prompt settlers' demands for a more permanent engagement of their

home governments. This, however, was not forthcoming beyond the point of placing the nationals of either state under the authority of the respective Pacific high commissioner, thus affording them a minimum of protection. However, the fundamental problem – the impotence of the commission – could not be solved. Not only were its mandate and powers limited on the basis of the Anglo-French understanding of joint minimum intervention, but above all it had no competence to arbitrate in conflicts between French and British settlers. An effort by the settlers in 1895 to set up a joint court to handle such cases was prohibited by the commission. The subsequent lack of co-operation from the colonists, but also an increasing lack of interest on the part of the two home governments characterised the climate in which the commission had to work for one and a half decades after it had been set up.

France and Britain changed their policies towards the New Hebrides after the turn of the century. Again, this was mostly prompted by German attempts to get a foothold on the islands, yet should also be seen in the context of the insufficiencies of the existing arrangements to settle land disputes, to maintain law and order, and to accommodate the conflicting interests of Presbyterian missionaries and their allies in Australia versus those of French settlers and their New Caledonian allies. Both settler communities increased the pressure on their respective governments towards a take-over of the islands.⁶⁰² German traders had increasingly probed into the region since the late 1890s and it became increasingly evident that the preservation of the existing balance of powers required the establishment of a regular government. The first steps to achieve this were taken in 1901 and 1902, when first the French and then the British appointed resident commissioners and began to set up permanent administrative and judicial networks. Prompted by the *Entente Cordiale* declaration by France and Britain, which had made references to the New Hebrides demanding that a land commission be set up and that jurisdiction over the indigenous population be taken over without altering the political *status quo*,⁶⁰³ meetings of a Franco-British commission to discuss the whole problem of the New

⁶⁰² Richard B. Dorman, personal communication 28 June 1998.

⁶⁰³ Cf. Grattan, *The Southwest Pacific*, pp. 402-403.

Hebrides took place between 1904 and 1906. On 20 October 1906 a convention was signed between the two powers establishing the condominium over the New Hebrides.⁶⁰⁴

The Provisions of the Condominium, 1906-1980⁶⁰⁵

The convention was ratified on 9 January 1907 and soon afterwards steps were taken to implement it in the islands, coming into operation in December of the same year. According to Article I, the New Hebrides were to form a region of joint influence and government, in which French and British subjects were to enjoy equal rights. Each of the two powers was to retain the jurisdiction over its own subjects, and persons other than British or French subjects were to enjoy the same rights, and had, to choose within six months either one or the other of the legal systems. This provision, however, excluded the indigenous population, who were denied becoming citizens of either party, were granted almost no rights, and were governed by a few joint condominium authorities. Each power had to nominate a High Commissioner, who could delegate his powers to a Resident Commissioner and had a police force under his control. For certain purposes, these two police forces could be subjected to the joint direction of both High Commissioners or both Resident Commissioners.

According to the convention, only a few public services were to be undertaken in common, such as customs, postal services, public works, ports and harbours, buoys and lighthouses, and the finances of the joint condominium authorities. English and French money and bank notes were to be equal legal tenders.

Britain and France had to provide the expenses of their own administration, while the costs of the Joint Court and of the public services of the condominium were to be met from jointly imposed local taxes.

The Joint Naval Commission was not abandoned, but instead it was required to co-operate with the condominium authorities. In cases of emergency it was allowed to act without

⁶⁰⁴ The price London had to pay to achieve this agreement with Paris on the New Hebrides was the abrogation of the London Declaration of 1847, thus giving France complete and undisputed sovereignty in the Leeward Islands of the Society group. Cf. Dodge, *Islands and Empires*, p. 179.

⁶⁰⁵ For the text, see "Convention on the New Hebrides", *British Parliamentary Papers*, Cmd. 3300 (1906).

the joint request of the two authorities (Article VI). In the early years of the condominium, i.e., before the revisions of 1914, it became in practice an almost independent judicial authority to deal with native crimes and disputes, because the condominium authorities failed to codify laws to govern the indigenous population.⁶⁰⁶

In imposing this government rule on the indigenous populations, the resident commissioners were given authority over the tribal chiefs. They were to introduce regulations of a binding character for the tribes, while being obliged to respect native customs where these were not contrary to the maintenance of order and the 'dictates of humanity' (Article VIII).

The regulations for the set-up and operation of the Joint Court (Articles X to XXI) provided that one British, one French, and one judge nominated by the King of Spain⁶⁰⁷ were to constitute the court, assisted by a Dutch public prosecutor. In the jurisdiction of the court fell all land suits, all cases between natives and non-natives, all offences committed by natives against non-natives, and particular offences against the convention and the regulations imposed in accordance with it.

Provisions regarding land titles (XXII-XVII) were based on European legal concepts and formed the basis of a policy according to which all titles already registered in either Noumea or Suva were held sacrosanct, while any Melanesian custom law was disregarded.⁶⁰⁸ A further twenty-six Articles of the original convention regulated the recruitment of native labourers and the conditions of their employment. Neither condominium power was allowed to build fortifications in the islands or maintain penal institutions.⁶⁰⁹

Major revisions to the provisions of the 1906 convention were made in 1914. Four administrative districts with one British and one French administrative agent each were set up.

⁶⁰⁶ Mander, *Some Dependent Peoples*, p. 472.

⁶⁰⁷ As Spain had discovered the islands, the architects of the convention sought the appointment of a Spanish judge as a remedy against Anglo-French deadlock in the court. When Spain did not appoint a court president after the 1930s, verdicts could only be reached if the remaining French and British judge agreed on a case. If they did not, the case was simply dismissed. Cf. Aldrich, *France and the South Pacific since 1940*, p. 197.

⁶⁰⁸ A detailed analysis of the importance of the land issue is Trease, *The History*. More briefly, George Woodcock, "Two-Fellow Government", *History Today* 25(1975)8, pp. 568-575.

The agents divided the administration of indigenous affairs among them, but retained exclusive jurisdiction over their own nationals. According to the new Article VIII, the laws governing the conduct of the native population were to be codified. Article XXI of the revised convention established so-called courts of summary jurisdiction in each of the administrative districts to relieve the joint court of smaller local cases. The authority of the joint court itself was strengthened as well. According to the original convention of 1906, each national court could modify the sentence imposed by the joint court on one of its nationals – a regulation that rendered the judicial authority of the joint court in many cases useless. In 1914, the British and French governments also agreed that any reduction of sentences by national authorities could amount to a maximum of the average of suggested reductions from both of them.

Because France refused to agree to the British-inspired creation of a joint police force, each police commander continued to perform two functions simultaneously: that as a police officer of the condominium and that as a police officer within the jurisdiction of his respective national court.

As a result of the outbreak of the First World War, the modified convention was not ratified by the two states until 18 March 1922, and it took until 1923 before it was proclaimed in the New Hebrides.

Further minor adjustments occurred in 1927. The salaries of the members of the Joint Court were increased, the fines the court could impose were raised by two hundred per cent, restrictions of its judicial authority over land rights were lifted, and some measures were implemented to improve the sanitary system.

A major constitutional modification was undertaken in 1957, when the introduction of local councils ended the period of non-consultative administration in the New Hebrides.

Although some progress had been made compared to the original convention, the fundamental problems of this particular condominium set-up could not be rectified by any of

⁶⁰⁹ The latter provision was an explicit concession to Australian concerns about yet another French convict colony in

these amendments and changes. Thus, the slowness of European settlement, the lack of support from the home governments for the condominium administration, and the predominance of French commercial interests in the islands continued to curtail developments.

The Operation of the Condominium

The workability of the specific institutional set-up of the condominium in the New Hebrides depended on three factors. First, the two powers had to be willing to respect the interests of the respective other and refrain from full annexation of the islands. Second, the established institutions had to be capable of maintaining an acceptable degree of law and order on all levels. And finally, no power could obtain a degree of either commercial or political dominance in the islands so that its position and interests were to the detriment of the respective other.

While the first of these conditions was fulfilled, problems existed with respect to the latter two. Two major difficulties arose because of the structures as they had been set up in the 1906 convention and hampered its operation. One was the divergent policy goals of France and Britain in the islands, with the consequentially inadequate degree of co-operation. The other one was the initial neglect and subsequent polarisation of the indigenous population and their interests.

The main French interests in the New Hebrides were those of settlement and agriculture. The numerical dominance of French settlers and their ambitions as planters caused French economic interests to become far greater than any economic interests Britain (and Australia) might ever have had. Thus, while France's goal was to transform the New Hebrides into a proper settlement colony, Anglo-Australian interests were primarily "to provide orderly administration to a territory of strategic interest to Australia,"⁶¹⁰ and only secondarily religious and to an even smaller degree commercial.⁶¹¹ On the one hand, this divergence in interest accounted for the fact that both powers pursued different policies on the further development of

the South Pacific with all its repercussions for Australia. On the debate in and on Australia cf. Aldrich, *The French Presence in the South Pacific*, pp. 224-236.

⁶¹⁰ Richard B. Dorman, personal communication 28 June 1998.

⁶¹¹ Aldrich, *France and the South Pacific*, p. 199.

the New Hebrides – Britain seeking closer co-operation and increased powers of joint authorities at the expense of the two national administrations and France insisting on a maximum amount of independence of its bureaucracy. On the other hand, this divergence exacerbated the second problem that the condominium faced, namely the neglect and subsequent polarisation of the indigenous population. France, concerned with economic development and settlement, and ruling over a greater number of nationals with land claims and need for labour than Britain had a much greater interest in the hire of foreign labour and the employment of native Melanesians in the New Hebrides. The resultant mix of public and private French interests and the pre-occupation with an administration of economic interests, left 'native' policy widely in the hands of the British who dominated the education⁶¹² and health care sector until the 1960s. Only then did the French government in Paris and its resident administration in the New Hebrides become aware of the fact that their neglect of indigenous interests had proved to be counter-productive and that the dissatisfaction of many native Melanesians was directed against France and the practice of the Joint Court to disregard customary claims to land by Melanesians.

A fierce battle over the loyalty of the indigenous population ensued between Britain and France from the late 1960s onwards. France, realising that the future of the condominium and its own role in the islands would largely depend upon the perceptions of an ever more unrestful native population, spent vast amounts of money on education and health care in attempts to outbid the British.⁶¹³ As a consequence of their mutual suspicions and rivalries, the polarisation of the population into a Presbyterian and Anglophone part and a Catholic and Francophone became institutionalised and reached into the developing party-political sector of New Hebridean society in the early 1970s.

⁶¹² On the education system, R. A. S. Forster, "Vanuatu – The End of an Episode of Schizophrenic Colonialism", *The Round Table* 280 (1980), pp. 367-373.

⁶¹³ On French and British efforts to create a favourable perception of themselves with the Melanesians in the New Hebrides see Ralph R. Premdas and Jeffrey S. Steeves, "Political and Constitutional Crisis in Vanuatu", *The Round Table* 313 (1990), pp. 43-64, here p. 45. On spending figures in the early 1970s, Aldrich, *France and the South Pacific since 1940*, pp. 207-208.

By this time, however, Britain had firmly decided that it wanted to push forward the process of transition from condominium to New Hebridean independence, in line with its general policy of granting independence to its colonies in the South Pacific.⁶¹⁴ Initially, this was met with great resistance from France.⁶¹⁵ However, in the face of growing native nationalism⁶¹⁶ and the increasing financial burden of providing funds for the condominium and the national administration, Paris agreed to prepare for withdrawal.⁶¹⁷

Elections to a Representative Assembly were held in 1975 and 1979. A constitution was drafted in 1978 and approved in 1979. In 1980 the New Hebrides became an independent state, the Republic of Vanuatu.

Comparative Summary

While the conditions that made the condominium status of Andorra a successful settlement of an international territorial dispute are few, those that made the operation of a similar institutional set-up in the New Hebrides impossible are manifold.

Historically, the inability of either of the parties warring over Andorra to obtain firm territorial control over the area, their eventual exhaustion, and the intervention of an outside power in the person of the King of Aragon led to the conclusion of the initial condominium treaty.

This in itself would not have been sufficient. The realisation on the part of the Andorrans that their survival as an independent territorial and political entity was subject to the guarantee of their rights by their powerful neighbours provided the internal conditions which made a condominium settlement a desirable option for all parties involved. For the two co-princes such a settlement meant that they retained considerable influence over a strategically important territory. For the Andorrans the condominium status had the consequence that the

⁶¹⁴ Fiji, the Solomon Islands, and the Gilbert and Ellice Islands all became independent states in the 1970s.

⁶¹⁵ French concerns related primarily to the consequences of a pullout from the New Hebrides for other French possessions in the South Pacific.

⁶¹⁶ A short, but comprehensive account can be found in Aldrich, *France and the South Pacific since 1940*, pp. 215-218.

⁶¹⁷ Personal communication from Sir Roger de Boulay.

potential desire of either one of their neighbours to annex the territory under their exclusive sovereignty would be counter-balanced by a similar desire of the respective other so that a stable situation could develop that gave Andorra the security of a bilaterally protected existence.

The fact that Andorra is only a small territory with an equally small population facilitated the success of the arrangement. With one exception, there was no Andorran drive to end the condominium status and become an independent state by itself as the very dependence on resources and services by the neighbouring states would have rendered any such move a grave mistake.

Table 20: Conditions Accounting for the Success of the Andorran Condominium

- | |
|---|
| <ul style="list-style-type: none"> • In France <ul style="list-style-type: none"> <input type="checkbox"/> Failure to win a decisive military victory <input type="checkbox"/> General satisfaction with the arrangement • In Spain <ul style="list-style-type: none"> <input type="checkbox"/> Failure to win a decisive military victory <input type="checkbox"/> General satisfaction with the arrangement • In Andorra <ul style="list-style-type: none"> <input type="checkbox"/> Recognition of the beneficial arrangement in terms of its guarantees for the continued existence of the principality and the provision of essential services <input type="checkbox"/> Relatively strong national identity of Andorran citizens, firmly rooted in their political history as well <input type="checkbox"/> No competing claims of national belonging to either of the joint sovereigns <input type="checkbox"/> Democratisation of the condominium status • International Context <ul style="list-style-type: none"> <input type="checkbox"/> Initially pressure from the King of Aragon on the disputants to come to a resolution <input type="checkbox"/> Otherwise, relative unimportance of Andorra in regional and international affairs |
|---|

In contrast, the New Hebrides lacked most of the advantages of the Andorran situation and faced a number of additional problems instead. France and Britain were colonial rivals in the South Pacific with different political agendas in the New Hebrides. Moreover, the initial incentive for the set-up of the condominium, namely the threat of further German expansion into the South Pacific, continued to exist only during the first few years of the condominium's existence.

The lack of external pressure in itself, however, was not a sufficient reason for the failure, but it added to a variety of other factors. These were the geographical distance between the condominium and the two powers that shared it at ever increasing costs, the decreasing interest of Britain to maintain its commitment, and the growing resentment of the indigenous population against this colonial set-up. The failure to build a core of functioning joint institutions of government and to integrate all three communities into their operation prevented the creation of a necessary minimum of political consensus regarding the set-up was overall beneficial.

The colonial context in which the condominium had been created no longer existed in the 1970s, despite French claims to the contrary. Many other former colonies had been granted their independence and had successfully taken charge of their own destiny. Despite the problems that occurred in Vanuatu after its independence, the country has demonstrated that it could survive despite the legacy of religious, linguistic, and ethnic partition of its society and without external interference.

Table 21: Conditions Accounting for the Eventual Failure of the Condominium in the New Hebrides

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|---|
| <ul style="list-style-type: none"> • In France <ul style="list-style-type: none"> ❑ Inability to maintain the condominium without British support ❑ Lack of interest and willingness to co-operate with the United Kingdom beyond the absolute minimum • In the United Kingdom <ul style="list-style-type: none"> ❑ Decreasing interest of Britain to maintain the condominium, which was costly and did not continue to serve any purpose after the conditions that led to its creation had fundamentally changed after 1945 ❑ Lack of interest and willingness to co-operate with France beyond the absolute minimum • In the New Hebrides <ul style="list-style-type: none"> ❑ Increasing cost of condominium administration ❑ Failure to establish a minimum of functioning joint institutions ❑ Growing resentment among the indigenous population about the condominium arrangement and consequential rise of inter-ethnic tensions • International Context <ul style="list-style-type: none"> ❑ Initial incentive for the condominium status did not continue to exist ❑ General tendency of post-1945 decolonisation |
|---|

A Condominium-Style Settlement for Ethno-Territorial Cross-Border Conflicts?

The Institutional Framework of a Condominium-Style Settlement

The circumstances in ethnically mixed areas do not, except through coercion, allow for the complete territorial separation of the ethnic groups in conflict so that a number of issues will remain that require co-operation between all the conflicting parties. In a democratic context, therefore, the condominium arrangement will need the approval not only of the two participating states, but also that of the ethnic groups that have to live with the agreed regulations on the ground. Employing condominium status as a settlement strategy for ethno-territorial cross-border conflicts also means that the ethnic groups involved will have to be given a sufficient amount of decision-making and veto power to ensure that they are able to determine their circumstances in the widest possible range of affairs, and at the same time are still able to resolve issues of common concern in the condominium territory without one of them being subjected to the majority rule of the other or both of them being dependent upon decisions made by the two states without the possibility of influencing such decisions of immediate concern to either one or both of them. In addition, it will be necessary to have in place international guarantees, within a regional or global context, as well as arbitration mechanisms with a certain enforcement power to ensure that disputes over certain decisions, regardless of the level on which they occur, can be handled in a way acceptable to all disputants, and to be sure that it will be possible to implement an arbitrated decision.

This has a number of implications for any attempt to apply a condominium-style settlement to the solution of an ethno-territorial cross-border conflict. First, the concept of a condominium needs to be taken out of the traditional context of territorial settlements, i.e., conceiving of it as rule of two states over the same area. Second, if the idea of the condominium is no longer perceived strictly in terms of territorial rule, it can be redefined as the group-specific integration of parts of the population of an area into the politics of either of the two states, i.e., the operation of a non-territorial condominium, in which the major objective is not the administration of a disputed territory by two states simultaneously, but the separation of

distinct ethnic groups through subjecting them to different jurisdictions. Third, the integration of the two ethnic groups into different state jurisdictions needs to take account of the arrangements and special conditions within the ethnically mixed area, i.e., group integration should be conducted in a confederal way by which the two groups retain sufficient independence from the integrating state to determine the relationship with their respective counter-part in the mixed area and in which they can determine the degree of integration into the kin-state. A fourth aspect that needs to be considered is the importance of free choice for every individual to which state's jurisdiction he or she wants to be subjected, and safeguards need to be in place at the group and state level to prevent discrimination and ensure equal rights for all individuals regardless of what their ethnic origin and their choice of integration.⁶¹⁸

The previous two case studies of actual condominiums have revealed two basic ways in which the crucial sovereignty question can be solved. One is the Andorran-style arrangement, which I will call 'joint sovereignty', as the two condominium powers jointly exercise the supreme authority of approving or dismissing decisions taken by territorial self-government bodies in the areas of their competence. The other model, as exemplified by the case of the New Hebrides, I call 'divided sovereignty'. Here the two condominium powers have exclusive authority over their citizens with neither having the right to interfere in the respective other's affairs.

While the two models do not exclude bilateral co-operation of the two states in matters related or unrelated to the disputed territory, and neither rule out the co-operation between each of the states and either of the ethnic groups, nor the possibility of a free choice of citizenship for the residents of the territory in question, the cases to which they can successfully be applied are rather distinct. The joint sovereignty model is useful when the territorial dispute is the more important one and when there is either no significant inter-ethnic conflict in the disputed territory or when it can be resolved on the basis of establishing a system of unitary territorial

⁶¹⁸ The first author to introduce the concept of a democratised condominium into the context of ethnic conflict management was Brendan O'Leary in Brendan O'Leary et al., *Northern Ireland: Sharing Authority* (London: Institute of Public Policy Research, 1993), pp. 20-22.

self-government, probably along the lines of traditional consociationalism. As this has already been discussed at great length both in Chapter Two and in the case studies of South Tyrol and, bearing in mind the modifications, Northern Ireland, I shall instead turn to discussing the model of divided sovereignty in greater detail and explore possible modifications that would increase the likelihood of success should a settlement along such lines be intended.

The divided sovereignty model has greater potential of application to ethno-territorial cross-border conflicts with a component of severe inter-ethnic conflict, and especially when the ultimate goals of both ethnic groups are so fundamentally different that there are only limited possibilities of jointly executed territorial powers, such as in cases where, among other things, distinct notions of national belonging divide the two groups, yet where because of the territory's ethno-demographic structure or for other reasons partition is not an option. For the proposed solution to work, there are two essential pre-conditions – both host-state and kin-state agree to compromise their territorial claims, and the two ethnic groups are incentivised or pressurised to withdraw territorial claims at all. Once this has been achieved, it will be possible, in order to accommodate the conflicting claims of the groups, to endow each of them with the maximum possible level of autonomy, making them the sovereign over their future status as populations. The degree of self-government they achieve would then be reflected in their capacity to determine the level of integration into their respective kin-states, i.e., solving the question of national belonging on a non-territorial basis. This approach fundamentally distinguishes the divided sovereignty model from the joint sovereignty model. The latter means the devolution of power from the (joint) sovereign to a lower level of territorial government subsequent to the settlement of the inter-state territorial dispute. In a divided sovereignty arrangement, the former host-state has transferred its previously exclusive sovereignty onto the two ethnic groups separately, who subsequently decide upon the level of co-operation between them and, independent of each other, on the degree of power they 'delegate back' to their respective kin-states to reflect their desire of integration into the politics of their choice. This will allow for the possibility of asymmetric degrees of group integration into their respective kin-states. The basis

of such an institutional arrangement would be the combination of territorial and non-territorial autonomy structures.

Territorial Autonomy

Under a territorial autonomy arrangement, the entire population of a certain territory is granted is granted a degree of self-government regardless of their ethnic group membership.

Territorial autonomy can be implemented to various degrees, from so-called administrative autonomy to full self-government. Administrative autonomy most commonly describes an arrangement of executive discretion within the framework of central legislation. In this case, the autonomous territory does not have its own legislature. Full self-government, on the other hand, would incorporate the right for the designated part of the territory and its population – defined, for example, according to ethnic and/or historic criteria – to elect their own legislature. It would endow them with the authority to take charge of all executive and administrative functions usually provided by central state institutions, except in such areas as foreign and defence policy. While various forms of administrative territorial autonomy can be found in connection with decentralised (or regionalised) forms of the institutional organisation of a state, such as in Italy, full self-government resembles more closely federal arrangements, such as in Germany. Regardless of the degree of autonomy granted to the specific territory, it must be ensured that none of the individuals living in that territory is limited, because of autonomy regulations, in his or her rights to full equality and political participation.

As a specific arrangement for only a limited number of parts of a state's territory, or even just one, territorial autonomy need not affect the general institutional organisation of a state. Depending upon the state's ethnic composition, special autonomy status can be granted to several areas within a regionalised institutional framework, such as in Italy, or to only one, such as Corsica in France. However, it can also be a principal form of organising a polity according to certain characteristics of its population, for example, language and/or ethnic origin, such as in Switzerland and Belgium.

Non-Territorial Autonomy

Non-territorial autonomy means that the autonomous unit is defined in 'personal' terms. For example, a particular (ethnic) group is granted autonomy rights and all its members can enjoy these rights, and must fulfil the respective obligations towards its group that come with them, regardless where they live in their host state.

Early implementations of non-territorial autonomy related primarily to cultural and/or religious affairs of distinct groups. In the Middle Ages and in the early modern era, some European rulers granted Jewish communities the right to administer their community affairs according to their own laws and traditions. Similarly, the Ottoman Empire had adopted the so-called *millet* system, according to which non-Muslim communities enjoyed some degree of religious and cultural autonomy. In this century, the Baltic states of Latvia, Lithuania, and Estonia guaranteed a certain degree of cultural, and in particular educational, autonomy to national minorities in their post-1919 constitutions. After regaining their independence, some of these provisions were re-enacted. Similarly, Hungarian legislation provides for the far-reaching protection of ethnic minorities based on non-territorial autonomy regulations. The consociational arrangement in South Tyrol also includes a form of cultural, non-territorial autonomy.

The concept has been developed systematically in political science since the mid-nineteenth century, especially in Austria.⁶¹⁹ Later, in the early twentieth century it was taken up again by the Austro Marxists Renner and Bauer.⁶²⁰ Since World War II, it has played a significant role in consociational theory, which is primarily associated with the work of Arend Lijphart.⁶²¹ Throughout the post-World War II and post-Cold War periods, constitutional

⁶¹⁹ To my knowledge, the first comprehensive analysis in this context is Adolf Frischhof, *Österreich und die Bürgerschaften seines Bestandes* (Vienna 1869). Frischhof develops the concept of personal autonomy (obviously deriving from the philosophy of Immanuel Kant) in the environment of the multi-national Austrian Empire as a tool to preserve the unity of the state without suppressing the cultural identities of its component peoples.

⁶²⁰ The most important writings are: Rudolf Springer (aka Karl Renner), *Der Kampf der österreichischen Nationen um den Staat* (Leipzig 1902); Karl Renner, *Das Selbstbestimmungsrecht der Nationen in besonderer Anwendung auf Österreich* (Leipzig 1918); Otto Bauer, *Die österreichische Revolution* (Leipzig 1923); and Otto Bauer, *Die Nationalitätenfrage und die Sozialdemokratie* (Leipzig 1924).

⁶²¹ Cf. above all, Arend Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands* (University of California Press, 1968) and his *Democracy in Plural Societies* (Yale University Press, 1977).

theorists⁶²² and practitioners⁶²³ have seen non-territorial autonomy as an instrument to deal with the cultural dimension of ethnic conflict, that is with matters of education, language, and religion.

Despite this generally narrow conception of non-territorial autonomy, there is no need to conceive of it as confined to cultural and educational matters only. Especially in mixed areas with high levels of inter-ethnic tension, the delegation to the ethnic groups of competences outside these two areas might facilitate the easing of tensions simply because groups can administer their affairs more independently of one another and power differentials, real or perceived, will have a lesser impact compared to situations in which groups are forced (by external actors) to co-operate.

Combining Territorial and Non-Territorial Autonomy

Ideally, territorial autonomy benefits all inhabitants of a given territory by providing them with a decentralised form of self-government in which they all have a say. Given ethnic plurality in the area, territorial autonomy, if modified along consociational lines, such as in South Tyrol or Northern Ireland, can also ensure the satisfaction of the distinct ethnic group claims arising in the area. The closer examination of these two cases, however, has also indicated that for such an arrangement to work a preparedness to co-operate and compromise is essential. In the scenario suggested here, conflicting claims of national belonging are unlikely to provide conditions conducive to co-operation and compromise within a joint territorial framework.

The shortcomings of territorial autonomy to accommodate such conflicting claims of national belonging can be overcome by combining it with non-territorial autonomy regulations. Territorial autonomy, on the other hand, would maintain its importance as a political arrangement to deal with matters of common concern, which, given that two groups essentially share the same territory, would continue to exist. As a specific institutional set-up, then, the combination of territorial and non-territorial autonomy has a twofold aim: it removes all critical

⁶²² The most recent example is Arend Lijphart, 'Self-Determination versus Pre-Determination of Ethnic Minorities in Power Sharing Systems' in Kymlicka, *The Rights*.

and potentially conflict-inciting issues from the joint political process while at the same time allowing for the possibility of conducting common policies on matters that are not of a group-specific nature or where group interests coincide.

Three essential conditions for such a framework in which territorial and non-territorial autonomy institutions can co-exist are:

- the preparedness of all ethnic groups to grant the respective other(s) the same degree of non-territorial autonomy as they desire for themselves,
- the acceptance of such a framework as a mutually beneficial and conflict-preventing set-up,
- the willingness to make concessions and to settle for compromises in the process of negotiating, implementing, and operating joint institutions.

These conditions will normally not be present simultaneously from the outset; yet, given time in which institutions can prove their worth, it is likely that the populations concerned come to accept and appreciate such a settlement. The constitution of Belgium, for example, despite its extraordinary complexity has become accepted as a mutually beneficial institutional framework by all three ethnic groups – Flemings, Walloons, and Germans.

To extend non-territorial competences to matters beyond language, culture, and education, i.e., to increase the degree of group autonomy,⁶²⁴ would serve the following purposes: each ethnic group would achieve greater political control over its own fate; the limitation of traditional democratic principles owed to consociational techniques at the territorial level could be compensated at non-territorial level; the whole system would be less dependent upon group homogeneity and discipline; elite dominance of their respective groups, and the need for it to make the system work, could be minimised; intra-ethnic elite competition could exist at non-territorial level and would not endanger the functioning of the consociational model at territorial level; the possible dominance of one ethnic group would have limited

⁶²³ Estonia's and Hungary's constitutions and specific minority legislation provide good examples.

⁶²⁴ This may include tax raising and collecting powers for the autonomous institutions of each group from within its own community to secure a higher degree of financial independence as compared to a situation in which central institutions at territorial or national level have exclusive tax authority and fund non-territorial autonomy bodies through fund allocation. The allocation of state grants would have to remain sources of income for both territorial and non-territorial autonomy institutions in the framework of decentralisation.

effects, and compromising critical issues would be necessary to a more limited extent only. Crucially such an arrangement would allow each ethnic group to satisfy its claim to national belonging by determining the degree of integration with its kin-state while simultaneously coming to an institutional accommodation of matters of common concern with the respective other group.

In order to ensure the necessary level of inter-ethnic co-operation and compromise at territorial level a specific parliamentary election and voting system could be adopted.⁶²⁵ The Additional Member System (AMS) offers a good starting point for selecting an appropriate parliamentary election system. AMS is a combination of proportional representation and majority vote. Candidates are directly elected by a plurality system in each constituency, and a summation of all votes gained by a party nation-wide or in a specific region is then used to compensate for deviations in the number of directly elected candidates and the number of seats in proportion to the overall share in the vote. This way, disadvantages for parties that have high concentrations of their electorate in few constituencies can be avoided, as it is eventually the overall share in the nation-wide vote that determines the number of parliamentary seats gained.⁶²⁶ AMS can easily be qualified in two further ways. First, ethnic groups could be allocated a certain number of seats within the proportional representation system, especially when very small groups are involved that would normally not gain seats.⁶²⁷ The second way to qualify this system is by adopting a strategy suggested by Horowitz. Seats gained through the majority system could be made dependent upon a certain, pre-determined minimum amount of votes to be won from within each ethnic group (percentage threshold). This would encourage inter-ethnic co-operation before elections and would possibly provide for co-operative policies after elections through ensuring the success of candidates whose election programmes have the

⁶²⁵ The following examination of electoral systems is based on Lijphart, Arend, *Electoral Systems and Party Systems* (Oxford: Oxford University Press, 1994), pp. 22-25 and 153-159; and on Rein Taagepera and Matthew Soberg Shugart, *Seats and Votes* (New Haven, CT, and London: Yale University Press, 1990), pp. 26-37.

⁶²⁶ This system has worked rather successfully in the Federal Republic of Germany since 1949.

⁶²⁷ This would be the case when a group is either geographically disadvantaged in a way that it does not have a realistic chance to win a seat as a constituency majority, or is too small to gain a seat through the proportional representation system. For example, a parliament has 25 seats that are allocated by proportional representation. This

greatest appeal among all ethnic groups. Too high threshold criteria, however, run the danger of paralysing the electoral system by potentially not delivering successful candidates in sufficient numbers.

The traditional majority-based parliamentary voting system can be qualified by reserving for certain issues a voting system that requires not only an overall majority in parliament, but also a minimum amount of yes-votes from within each ethnic group, or even party representing it, to pass a bill. Alternatively, a minimum of no-votes over all and/or from within at least one ethnic group, or party representing it, could be demanded to reject proposed legislation. This would increase the political influence, and improve the bargaining position, of the minority and encourage co-operation between the ethnic groups. In order to prevent the legislative system from being paralysed through such a qualified voting system, it is necessary to have a mediation and arbitration mechanism in place with agreed and guaranteed procedures to reach a compromise on critical issues, such as the budget.

The degree of self-government of each ethnic group would have to mirror the degree to which the groups have common and distinct interests. At the same time, the degree to which the groups are actually mixed in society from a territorial point of view (mixed or ethnically exclusive neighbourhoods) will put certain limits as to which powers can be devolved and which need to remain with central authorities. While mixed neighbourhoods, for example, would allow for separate educational institutions and tax laws, the delegation of policing powers would prove rather difficult under these circumstances. Considering that the existence of mixed neighbourhoods can be taken as an indicator of low levels of inter-ethnic conflict, the latter might be unnecessary and could be replaced by recruitment and staffing policies according to ethnic proportions.

In general, the areas in which territorial authority would be exercised jointly by both groups are limited, and would include normally non-controversial matters such as environmental protection, communications, and transport. The territorial budget could either be

would mean that a four per cent share in the vote is necessary to gain a seat. If the respective group makes up for only

funded through direct taxation or through the transfer of resources from the ethnic groups and the their respective kin-states.

Membership in each of the communities would be by a declaration accompanying registration for elections in which each person states to which jurisdiction he or she wants to be subjected. This should be independent of ethnic origin, and provisions for dual citizenship should be implemented. These declarations could at the same time be used to determine the necessary proportions of public sector employment in areas where powers are not or can not be devolved to the non-territorial group authorities.

The validation and implementation of such an arrangement should be by referendum and conditional upon simple majorities in each of the effected political entities, i.e., both ethnic groups and both states.

With all this in mind, any such settlement needs to be sufficiently flexible to accommodate future changes in the situation that led to its establishment, including changes in the attitudes of the parties involved. The institutional framework for this flexibility could find its expression, for example, in a standing commission composed of representatives of all four parties regularly assessing the operation of the settlement and any potential problems arising from it. As such, this kind of settlement is neither irreversible nor unchangeable.

The Potential Advantages of the Combination of Divided Sovereignty and Non-Territorial Separation of Ethnic Groups

There are a variety of significant advantages to a combination of divided sovereignty and non-territorial group separation.

First of all, each of the ethnic communities can live more independently of the other one and gains a greater say over its own development and future.

Second, potential inroads to the democratic principle that would occur in a consociational/joint sovereignty settlement, would continue to exist to a limited degree at the

territorial level in this model, too. However, they would be compensated at the non-territorial level and would be less significant as they would affect fewer issues.

Third, as a result of such a structure, the working of the entire political system is far less dependent upon elite co-operation, on elite control of their respective communities, and on the homogeneity and discipline of the two communities.

Fourth, the majority-minority dimension of the ethnic conflict becomes less salient.

Fifth, the clear legislative, executive, and judicial separation of the two communities contributes, in the short term, to the de-escalation of inter-group tensions, and can, in the long term, facilitate a solution of the underlying fundamental conflict over national belonging.

Sixth, while the establishment of mediation and arbitration mechanisms provides necessary stability for the evolving political process, the arrangement as a whole, as it is able to address the fundamental grievances and fears of each community, can also give a sense of satisfactory permanence to both communities, ensuring that neither of them would feel threatened by future changes.

In relation to this, the seventh advantage is that allowing each community to administer its own relations with either of the two states involved, provides them with the opportunity to determine individually the degree of integration into their respective kin-states, including the level of participation in the relevant political and electoral processes. Thus, the territorial-constitutional dimension of the ethnic conflict can be effectively addressed alongside the inter-group aspects.

Eighth, the concurrent territorial dispute between the two states could be solved by according each of them sovereignty rights in relation to their kin-group resident on the territory in question.

Table 22: The Potential Advantages of Combining Divided Sovereignty and Non-Territorial Separation

- Greater level of independence for each community
- Non-territorial level offers possibility of compensation for inroads to democratic principle at territorial level
- Dependence on elite co-operation decreases
- Majority-minority dimension less salient
- Likely de-escalation of inter-group tensions
- Stability of the evolving political process may establish a satisfactory sense of permanence among all groups
- Ability of each group to determine the level of integration with its kin-state
- Territorial dispute between the states involved can be resolved through the condominium settlement

Obviously, such an institutional framework is not without problems either. Its stability crucially depends upon the willingness of all four parties to co-operate and compromise. Under the conditions of protracted ethnic conflict and fundamentally incompatible aspirations of national belonging, however, this type of settlement seems to be likely to provide a relatively stable environment in which important interests of all conflicting parties can be accommodated, in which remaining conflictual issues can be resolved peacefully through compromise and co-operation, and in which pre-emptive solutions can be provided to tensions arising in the future over the implementation and operation of the agreement.

PART THREE
ACHIEVING CONFLICT SETTLEMENTS AND
MANAGING THEIR STABILITY

IX. Conditions Conducive to Conflict Settlement and Settlement Stability

At the opening of this study I described the conflicts I would be investigating as ethno-territorial cross-border conflicts, i.e., as conflicts over incompatible ethnic and territorial claims. This choice was informed by a number of considerations. European history to date has produced two almost wholly incompatible maps of the continent – a political and an ethnic one, the border lines of which rarely coincide. The majority of ethnic conflicts in Europe were, and are, to some extent, results of boundary changes detaching groups of people from their (ethnic) nations and placing them under the sovereignty of an oftentimes adversarial host-state. This then introduces the external minority's kin-state into the arena of potential conflict not only as patron of an oppressed kin-group, but also as a potential claimant to lost territory. The past and present of ethnic conflict in Europe, and arguably also its future, has thus largely been one of ethno-territorial cross-border conflict in which two states and two ethnic groups face each other.

Despite the multitude of such conflicts that have occurred in Europe, a comprehensive comparative analysis of their origins, evolution, and settlement does not exist. While I have not attempted to provide such a study, I have sought to contribute one important aspect to the understanding of this type of ethnic conflict – the stability of their settlements. My approach has been specific: What are the conditions under which a particular settlement can be achieved and kept stable?

Ethno-territorial cross-border conflicts in four Western European territories, each of them providing a different solution, have been examined – Alsace, the Saar, South Tyrol, and Northern Ireland. Two other case studies that I conducted as a part of this project were those of the condominiums of Andorra and the New Hebrides/Vanuatu. They were distinguished from all other cases primarily by the predominance of the territorial conflict between two sovereign powers.⁶²⁸ Thus, they could be used to explore the concept of a condominium, and its necessary

⁶²⁸ The claim that in the case of Andorra the contestants were sovereign powers is disputable. Without going into too much detail, it is sufficient to say that in the thirteenth century and earlier no internationally enforceable concept of sovereignty existed and that the two conflict parties – the Bishop of Urgell and the Counts of Foix – enjoyed a sufficiently high degree of independence to conduct their own policies and sign binding agreements over the fate of Andorra that have been upheld until the present day.

modifications, as an institutional arrangement for the settlement of ethno-territorial cross-border conflicts.

In this final chapter, I will address two further issues that are of great importance in the understanding of ethno-territorial cross-border conflicts and their settlement. The first of these issues is to find out whether there are any conditions that, independent of the type of settlement eventually adopted, are indicative of the possibility of achieving a settlement for this particular type of conflict at a given point in its development. Second, based on the framework of variables developed towards the end of Part One, I will go beyond the question of how it was possible to settle these conflicts successfully, and will turn to the issue of how the respective settlements could and should be successfully maintained to the benefit of all parties.

Essential Criteria for the Settlement of Ethno-Territorial Cross-Border Conflicts

The analysis of stability criteria for specific solutions to the type of conflict under examination here is an important instrument for the management of conflict settlements and their stability. Yet, in order to provide a comprehensive account of conditions conducive to the settlement of ethno-territorial cross-border conflicts, the analysis must begin at a different level than that of case specific solutions and ask one even more general, yet equally crucial question:

- What are the essential criteria for the possibility to achieve a settlement of ethno-territorial cross-border conflicts *independent* of the type of solution eventually adopted?

After the study of several cases and the various failures and eventually successful approaches to conflict settlement it is possible to extract those conditions that, at a fairly general level, were present in all those cases where any type of settlement was achieved, independent of its long-term stability. The question here is not one of the feasibility of a particular solution, but one of the possibility of some form of settlement at all. The previous study of various conflict settlements and of the strategies to achieve them makes it reasonable to assume that the conditions determining this possibility of conflict settlement can be found within the structures

and relationships related to any of the following four levels –the host-state, the kin-state, the disputed territory, and the international context.

Conditions with regard to the Host-State

Looking at the instances of successful conflict settlement as examined in the case studies above, there appear to be two essential conditions at the level of the host-state without which the possibility of achieving a settlement would be too remote. The first of these conditions is the preparedness of the host-state to accommodate crucial interests of the external minority. In relation to Alsace, Germany (between 1871 and 1914) as well as France (after 1945) were prepared to respect ancient Alsatian traditions and customs and to establish conditions in which these could survive. In turn, the conflict was removed further from the possibility of a settlement whenever attempts were made to abolish these ancient rights, for example, in the mid and late 1920s and early 1930s. In South Tyrol, only after the Italian government conceded the South Tyrolese the right to take control over key aspects of the administrative and political process in the province could the conflict parties come to an agreement. This was this even more obviously the case in the Saar, where the French government accepted the result of the referendum on the proposed statute, which was a crucial step towards the eventual resolution of the Saar conflict. The preparedness to accommodate key interests of the external minority was also an essential condition for the possibility to achieve a conflict settlement in Northern Ireland. Both in 1973 and 1998, the negotiated settlements provided for consociational arrangements intending to protect the nationalist minority from further discrimination and deprivation and to give it a share in the exercise and control of power in Northern Ireland. In turn, the absence of a power-sharing component, and in fact the exclusion of both communities from the negotiation and operation of the Anglo-Irish Agreement, was one of the causes why this agreement did not offer the possibility of a settlement.

The preparedness to accommodate minority interests is a necessary condition for any successful settlement process, but it is not a sufficient one. On the one hand, successive French

governments during the inter-war period were prepared to make concessions on the religious statute and the confessional school system in Alsace (not significantly more or less than post-war governments did), yet the situation remained unsettled. On the other hand, the cases of the Saar and of South Tyrol, and, to a lesser extent, of Northern Ireland, demonstrate that another essential condition for the possibility of coming to a settlement at the level of the host-state is the latter's willingness to co-operate with the kin-state (where it and its external minority wish such an involvement), including the preparedness to address and negotiate territorial and sovereignty issues where this is necessary. Most obviously, this was the case in the Saar. Once the French government had accepted that no resolution of the conflict would be likely as long as Germany was excluded from negotiations, the settlement process moved along more quickly and eventually succeeded. While the predominance of the territorial aspect of the Saar conflict clearly necessitated this co-operation process, this was not the case in South Tyrol. There, kin-state involvement was the wish of the external minority and had its legal basis in the 1946 Paris Agreement between Italy and Austria. Primarily because of Italian reservations about granting Austria a substantive role in the settlement, the initial failure to produce concrete results from kin-state involvement led to the violent escalation of the conflict in 1961. The more constructive approach of both governments after 1961, in turn, resulted in the 1969 'Paket' solution and operational calendar which were the basis of the subsequent settlement of the South Tyrol conflict. In Northern Ireland, the formal acknowledgement of an Irish dimension in the settlement process and its incorporation into both the Sunningdale and Good Friday Agreements were each time key to the possibility of achieving a settlement.

The presence or absence of these two necessary conditions – preparedness to accommodate key interests of the external minority and willingness to co-operate with the kin-state – is often a result of domestic and foreign policy considerations of the government in office. Foreign political considerations often evolve around regional and geopolitical alliances and the pressures that their members can exercise collectively or individually, which will be discussed in greater detail in relation to settlement conditions in the international context.

Domestically, it is often the feared implications of concessions over one minority conflict for potential or actual others. This has been the case with Alsace during the inter-war period, when some French governments tried to abolish the concordat and the confessional school system assuming that making concessions in Alsace would trigger corresponding demands among other minorities, such as the Basques, Bretons, and Corsicans. Similar considerations influenced the course of action taken by post-1945 Italian governments who, parallel to the evolving South Tyrol conflict, also had to deal with similar situations in Sicily and the Val d'Aosta. Domestic constraints limiting a government's ability to compromise may also result from a vulnerable electoral or parliamentary power base. Developments in the Northern Ireland conflict from the mid 1990s on are a case in point here, when the dependence of the government of John Major upon the parliamentary support of Unionist MPs grew.

Conditions with regard to the Kin-State

Concluding from the analysis of kin-state behaviour and its consequences, the key to the possibility of a settlement at the level of the kin-state is to balance the interests of the external minority and of the host-state in its approach to the conflict. To strike such a balance successfully is possible in either of two ways. One of them is the willingness of the kin-state to co-operate and reach compromises with both the host-state and the external minority over the two central issues in any ethno-territorial cross-border conflict – minority rights and territory. Acting as a patron for its external minority, no settlement is likely to be achieved if the primary considerations of the kin-state are related to the instrumentalisation of the conflict for its own (territorial) gains. Germany's inter-war Alsace policy towards France illustrates this clearly. In contrast, Austrian South Tyrol policy after 1946 and the Republic of Ireland's approach to the conflict in Northern Ireland show that a constructive and flexible approach on part of the kin-state towards the issues of minority rights and territory can move the settlement process closer to a successful outcome. Alternatively, a policy of strict non-interference may be a necessary pre-condition to achieve a settlement, as the developments in Alsace after the end of the Second World War indicate. If neither the external minority nor its host-state deem the involvement of

the kin-state necessary or desirable, strict non-interference will make a settlement of the conflict more likely.

Similar to the host-state, the kin-state's ability to follow either of these two courses of action depends upon a variety of foreign and domestic policy considerations. They include domestic power balances and the influence of emigrant organisations from the disputed territory on the domestic side, and potential consequences for other external minorities and disputed territories at the level of foreign policy considerations. German policy vis-à-vis Alsace and the Saar demonstrates this very well. In the case of Alsace, a powerful lobby of emigrants exercised considerable influence on the foreign office to fund political and cultural activities in the inter-war period. This coincided with the policy of successive German governments to use the issue of Alsace to pressure France into concessions over the Germany's eastern borders. With regard to the Saar conflict after 1945, Germany could not accept the permanent annexation of the area by France as it feared that this would jeopardise its position vis-à-vis the former eastern territories of the German *Reich*. An influential lobby of German politicians from within the government coalition and the opposition as well as of Saar emigrants and the delicate power balance in the Federal Council prevented the government of Chancellor Adenauer to make more substantial concessions to France.

Conditions with regard to the Disputed Territory

Similar to the conditions with regard to the host- and kin-state, a preparedness to compromise on part of the political actors in the disputed territory is a necessary condition to make a settlement of an ethno-territorial cross-border conflict possible. This preparedness to compromise and co-operate must extend to sufficiently large parts of both the external minority and the section of the host-nation sharing the disputed territory (wherever it is present in significant numbers) and it must occur on an inter-ethnic level as well as between the ethnic groups and the institutions of the host-state. All of the four major cases studied include examples to illustrate this point. In Alsace and Lorraine, the initial lack of willingness even to

co-operate with German authorities considerably delayed important steps towards a settlement, such as the introduction of the German constitution to the *Reichsland*. Once the population realised that co-operation could be beneficial and acted accordingly, several constitutional reforms brought a settlement closer, culminating in the quasi-federal status of Alsace and Lorraine in 1911. In the Saar, the acceptance by the French and Saar governments of the need for an inclusive political process and the recognition by the pro-German opposition that reunification would not only require majorities, but also concessions to the pro-French section of the population and a transitionary period with interim regulations equally contributed to the smooth and peaceful settlement of the conflict. In South Tyrol, to give another example, the preparedness of the German-speaking population to accept an internal settlement and 'waive' its right to self-determination made greater Italian concessions possible as well and led to the 'Paket' solution of 1969. In Northern Ireland, increasing levels of co-operation between the two communities, or at least their elites, as well as between them and the British and Northern Irish authorities have had a significant impact on the possibility of achieving settlements in 1973 and 1998, while decreasing co-operation and the dominance of hard-liners have prevented them in 1975 and throughout the 1980s.

The presence of the willingness to compromise and co-operate often results from inside and outside incentives and pressures and/or from a weariness of the population in the disputed territory with an ongoing conflict. Well-balanced domestic, international, and/or intra-communal incentives and pressures, and the ability to deliver on them, can increase the willingness to compromise and co-operate, as the studies of South Tyrol and Northern Ireland have indicated. In addition Northern Ireland is a good example how conflict weariness increases the likelihood of a settlement as it puts pressure on political elites to compromise and makes popular support for a settlement more likely.

Conditions with regard to the International Context

All the previous case studies have illustrated the international context is an important factor in the process of settling ethno-territorial cross-border conflicts. The necessary condition for the

possibility of a settlement is an international situation that, because of regional or geopolitical interest structures, can incentivise or pressure the conflict parties to come to a settlement of their differences, rather than to encourage them to continue or escalate an ongoing conflict.

As such, considerations about international repercussions on particular policies often figure prominently in the process of formulating policies by all parties involved in the conflict. This is particularly obvious in the cases of the Saar and of Northern Ireland. Pressure from European partners and the United States on both France and Germany significantly sped up the process of coming to a settlement in an international climate that made the integration of West Germany into Nato and the evolving structures of the European Coal and Steel Community a matter of high priority. Similarly, pressure from the Clinton presidency, from the Irish-American community, and the international chairmanship of the talks process were major factors that increased the likelihood of achieving a settlement in Northern Ireland in 1998.

The Ripeness of an Ethno-Territorial Cross-Border Conflict for Settlement

A summary of the discussion thus far shows that on each of the four levels of analysis – host-state, kin-state, disputed territory, and international context – a clearly defined number of conditions exist that are necessary to make a settlement of such a conflict possible. These conditions are outlined in the table below.

Table 23: Necessary Conditions for the Possibility of Conflict Settlement

• In the host-state
<input type="checkbox"/> Willingness to accommodate key interests of the external minority
<input type="checkbox"/> Preparedness to co-operate and compromise with the kin-state, including over issues relating to territorial and sovereignty matters
• In the kin-state
<input type="checkbox"/> Ability to balance interests of the external minority and of the host-state in its approach to the conflict
• In the disputed territory
<input type="checkbox"/> Readiness to compromise and co-operate extending to the external minority and the host-nation and occurring on an inter-ethnic level as well as between the ethnic groups and the institutions of the host-state
• International Context
<input type="checkbox"/> Incentives for and/or pressures on the conflict parties to come to a settlement of their differences, or at least a lack of incentives/pressures to continue the conflict

It is important to note that, individually, these conditions are necessary to make the settlement of an ethno-territorial cross-border conflict possible, yet only in their entirety they are sufficient to do so. Their joint presence indicates that a conflict is ripe for a settlement, that is, that a window of opportunity exists for decision makers to achieve a settlement. The simultaneous presence of these conditions does not say anything about whether this opportunity will be taken, what kind of settlement will be agreed, or whether an adopted settlement will be stable, it merely points to the fact that the strategies of the conflict parties towards the conflict are no longer incompatible. Once this has been recognised, and there is no guarantee that every such opportunity will be recognised, the overall success of the settlement process depends upon the flexibility, determination, and skill of those involved to design an institutional framework that fits the variety of contextual circumstances of their particular conflict situation so as to provide for opportunities to resolve differences with peaceful and democratic means.

The Stability of Conflict Settlements

The question how it is possible to preserve the stability of conflict settlements has not been explored frequently in the literature on ethnic conflict, and particularly in a European context. Criticising the “inadequate specification of consequences”, Horowitz emphasises that any policy applied in the resolution or management of ethnic conflicts has multiple desired and undesired consequences.⁶²⁹ One response to this could be to examine all possible policies in all potential circumstances and predict the outcomes of their pursuit. Yet, with a given set of model solutions based on actual case studies, it is also possible to look at policies and conditions as indicators of the stability of a particular settlement. This approach, then, can be of great use to policy makers. The actual cases of conflict settlement that are part of this study have illustrated that the specific conditions of each case required distinct solutions that provide a stable yet sufficiently flexible environment in which a political process relatively free of disruptive ethnic conflict can be conducted. In order to understand why this is the case, it is necessary to analyse the ‘success conditions’ of each of these model solutions. This is important in two ways. First, it

is close to impossible that a satisfactory solution for an ethno-territorial cross-border conflict will be found by simply copying an institutional arrangement from a resolved conflict to an unsettled one, as no two conflicts are likely to be the same. By providing criteria for stability, it is possible to choose the closest model available for a conflict with similar conditions and then modify the institutional arrangements to fit the exact conditions, or to create conditions that fit the model solution, or, more likely, to combine both methods. Second, being aware of these criteria will make it possible to anticipate, and wherever possible prevent, the re-escalation of an already settled conflict. Close monitoring of these stability criteria and an institutional framework flexible enough to respond to changes are the two essential conditions in this context.

Achieving a settlement among the conflicting parties is an important milestone in the process of de-escalating ethno-territorial conflicts. Yet, to agree upon a settlement for a conflict does not mean to resolve it permanently. A settlement merely provides an institutional framework within which the parties hope to be able to accommodate their interests without violence. The negotiation process marks a qualitatively new stage in any such conflict inasmuch as the conflicting parties try to settle their differences by talking *to*, rather than by fighting *against*, each other. The beginning of the implementation process of any negotiated settlement presents a similar qualitative leap. The conflicting parties must now work *with* each other to set up and operate the institutional framework they agreed upon.

The nature of the settlement will have a significant impact on all the parties involved in the conflict from the point of agreement into their future, and it can potentially affect other state and non-state actors associated through geographic, economic, and/or political relations. Considerations about the future, therefore, will determine the negotiation strategy and objectives of each party and these will eventually be reflected in the structure of the institutional framework to be set up. On an abstract level, this is reflected in three categories, namely the stability, flexibility, and reversibility of any settlement. Stability concerns the capacity of the

⁶²⁹ Horowitz, *Ethnic Groups in Conflict*, pp. 570f.

institutions to satisfy the demands made vis-à-vis them. Flexibility means the ability to accommodate new interests. Reversibility refers to whether or not, and how easily, it is possible to annul the negotiated settlement.

Initially, I suggested a number of factors which, based on a purely theoretical examination of the subject, had been grouped into three dimensions and were then used to guide the analysis of the particular cases. The six cases examined here enabled me not only to refine this typology, but also to add to it. Through this study, I have developed a paradigm that can be applied to any ethno-territorial cross-border conflict to determine which criteria need to be fulfilled for a specific settlement to be stable. By doing this, I avoid broad typologies of "conflict-regulating practices", as developed by Nordlinger,⁶³⁰ or of "patterns of conflict management", as suggested by Esman.⁶³¹ Similar typologies have been suggested by McGarry and O'Leary and by Horowitz.⁶³² These certainly have their place in the literature on ethnic conflict, but they can not answer two crucial questions:

1. Which conditions provide a settlement with stability?
2. How can a settlement's potential breakdown be recognised early enough to prevent it?

The model solutions examined here can be roughly distinguished by how the issue of sovereignty has been addressed, whether it is sought to manage or eliminate differences, whether an internal, external, or permanently bilateral settlement has been negotiated, and how far, and how easily, it is reversible.

⁶³⁰ Nordlinger cites six successful conflict-regulating practices: stable governing coalition between political parties, principle of proportionality, mutual veto, purposive depoliticisation, compromises, and concessions. Cf. Eric A. Nordlinger, *Conflict Regulation in Divided Societies* (Cambridge, MA: Harvard University Center for International Affairs, 1972), pp. 21-31.

⁶³¹ Esman distinguishes between coercive and consensual management policies and between two principle goals – homogenisation and 'accept pluralism'. Methods of coercive homogenisation are genocide, expulsion, population transfer, and forced assimilation. Coercive pluralism manifests itself in exclusion or subordination. In contrast, induced assimilation would be the form of consensual homogenisation, while federalism, cultural pluralism, power sharing, ethnic coalitions, and reducing political salience are cited as examples of consensual pluralism. Cf. Milton J. Esman, *Ethnic Politics* (Ithaca, NY: Cornell University Press, 1994), p. 259.

⁶³² McGarry and O'Leary, *The Politics*, pp. 1-40; Horowitz, *Ethnic Groups in Conflict*, pp. 601-680.

Table 24: The General Characteristics of an Adopted Settlement

- | |
|---|
| <ul style="list-style-type: none"> • Sovereignty • Structure <ul style="list-style-type: none"> <input type="checkbox"/> internal <input type="checkbox"/> external <input type="checkbox"/> bilateral • Approach to differences <ul style="list-style-type: none"> <input type="checkbox"/> Elimination <input type="checkbox"/> Management • Reversibility |
|---|

The stability criteria associated with each of the model solutions can be found on four levels, acquiring varying prominence across the spectrum of solutions. These four levels are conditions in the host- and in the kin-state, and in the disputed territory, and the international context. Within the disputed area, it is three different levels of categories that need to be examined – the inter-ethnic and intra-ethnic relationships between the different sections of the population and the socio-political structure of the territory. As regards the inter-ethnic situation, the historical development of inter-ethnic relationships (in particular, the duration and intensity of the conflict, and its stakes) and their perception shape, to a significant extent, the opportunities for conflict settlement and subsequent settlement stability. Furthermore, not only is the level and nature of remaining conflict important, but also the number of problem issues overall. Co-operation between elites and groups, the political consensus among them, and the degree of competition between (ethnically defined) political parties are further important aspects that affect the stability of a settlement. Eventually, joint interests and existing cleavages need to be considered as well. With respect to the intra-ethnic situation, again, there is a historical dimension, but equally important are the level of political consensus over the ultimate goal within each ethnic group and the level of competition between political parties are the two crucial factors that influence the stability of the settlement.

In terms of the social-political structure of the formerly disputed territory, ethnic homogeneity, ethnic segmentation, and the numerical and power balance between the ethnic groups living there are issues that need to be considered as regards their impact on the stability of any model settlement.

There are also a number of conditions within both the host- and kin-states that are significant for the stability of any settlement, including the historic development of their relationship and the policies of the host and kin-states towards the ethnic groups involved in the settlement process and towards each other are significant as well.

Finally, the international context of any settlement warrants attention as international factors, such as pressures on the parties involved in the conflict or regional and supra-regional integration processes, frequently have a bearing on how quickly and successfully a settlement can be brought about, or prevented, and be kept stable, or be undermined.

Table 25: General Overview of Stability Criteria

Conditions in the Disputed Territory	Conditions in the Host-State	Conditions in the Kin-State	International Context
<ul style="list-style-type: none"> • Inter-Ethnic Situation <ul style="list-style-type: none"> <input type="checkbox"/> Historical development <input type="checkbox"/> Level and nature of conflict remaining <input type="checkbox"/> Number of problem issues <input type="checkbox"/> Degree of co-operation between elites <input type="checkbox"/> Degree of co-operation between ethnic groups <input type="checkbox"/> Political consensus between groups and elites <input type="checkbox"/> Joint interests <input type="checkbox"/> Cleavages <input type="checkbox"/> Competition between political groupings • Intra-Ethnic Situation <ul style="list-style-type: none"> <input type="checkbox"/> Historical development <input type="checkbox"/> Level of political consensus over ultimate goal <input type="checkbox"/> Competition between political parties • Social-Political Structure <ul style="list-style-type: none"> <input type="checkbox"/> Ethnic homogeneity of the territory <input type="checkbox"/> Ethnic Segmentation <input type="checkbox"/> Numerical balance between groups <input type="checkbox"/> Power balance between groups 	<ul style="list-style-type: none"> • Historical development • Policies <ul style="list-style-type: none"> <input type="checkbox"/> Internal <input type="checkbox"/> External 	<ul style="list-style-type: none"> • Historical development • Policies <ul style="list-style-type: none"> <input type="checkbox"/> Internal <input type="checkbox"/> External 	<ul style="list-style-type: none"> • Geopolitical Significance of the territory • International integration of each state • Regional interest structures and alliances • Pressures exercised upon the conflict parties

It will be possible to determine under which conditions an institutional framework is likely to be stable by relating these criteria to the five possible settlements of ethno-territorial conflict outlined earlier – integration, as in the case of Alsace, secession/irredenta, as in the case of the Saar conflict, consociation, as in South Tyrol, consociation with permanent institutional involvement of the external minority's kin-state, as in Northern Ireland, and a democratised condominium, as developed in the context of the studies of Andorra and the New Hebrides.

The stability of any solution adopted affects both the host and kin-state as well as the ethnic groups involved in the conflict in different ways. The stability of the settlement is also

closely related to its flexibility and reversibility. The different ways in which this influence manifests itself are the degree to which the ethnic groups will be able to determine their own future, the ability of political actors to instrumentalise the conflict in party/group/state internal and external power struggles, the political stability of the two states and their governments, and potentially that of neighbouring states or an entire region. The ability of any of the parties to compromise, or their need to have certain key demands fulfilled, will depend upon how much control each of them will retain over their own affairs and over their ability to pursue independent policies in relation to core issues of the conflict. The stability of a settlement does not only depend upon the sincerity of each involved party to make the settlement work, but also on its structure, that is, whether it is internal, external, or bilateral, and on whether it seeks to manage or eliminate differences. In turn, 'post-conflict' policies will also depend upon the nature and structure of the settlement and in how far it reflects the original objectives of each actor involved.

Internal Settlements

Integration

The essential criterion for integration to provide a stable solution to ethno-territorial cross-border conflicts is that significant majorities of both ethnic groups living in the territory in question are in favour of integration. As in the case of Alsace, this means that the external minority wants to be integrated into its host-state and that the host-state does not reject the idea of integrating another ethnic group. This also means that ethnic segmentation must be at a very low, and politically not relevant level, as is the case in today's Alsace, where ethnic origin hardly plays any role in Alsatian identity. The population in the region sees itself as French and is accepted as French despite some regional particularities in terms of dialect, the preservation of the confessional school system, and of the Napoleonic concordat.

Stability Criteria of an Integration

General Conditions	Historical Context			<ul style="list-style-type: none">• Tradition of integration, preferably non-forceful and with a record of mutual compromises.• Social and emotional ties between external minority and kin-state hardly any more present.
	Sovereignty			<ul style="list-style-type: none">• Remains with host-state.
	Structure			<ul style="list-style-type: none">• Internal.
	Differences			<ul style="list-style-type: none">• Mostly eliminating, partly managing.
	Reversibility			<ul style="list-style-type: none">• Normally not reversible.
Conditions in the Disputed Territory	Inter-Ethnic Situation	Level and Nature of Conflict Remaining		<ul style="list-style-type: none">• Below threshold of violence.• Not about the principle of integration.• Resolvable within the framework of the settlement.
		Number of Problem Issues		<ul style="list-style-type: none">• Must be overall small and not obviously related to 'ethnic' differences.
		Degree of Co-operation between Elites		<ul style="list-style-type: none">• Must be high. Elites must not perceive themselves as representatives of distinct ethnic groups.
		Degree of Co-operation between Ethnic Groups		<ul style="list-style-type: none">• Must be high.
		Political Consensus Groups/Elites		<ul style="list-style-type: none">• Must be high.
		Competition between Political Groupings		<ul style="list-style-type: none">• Possible given overall political consensus.
		Joint Interests		<ul style="list-style-type: none">• Helpful. The number of group-specific interests should be minimal and decrease over time.
		Cleavages		<ul style="list-style-type: none">• Must be cross-cutting.
	Intra-Ethnic Situation	Political Consensus over Ultimate Goal	External Minority	<ul style="list-style-type: none">• Significant majority in favour of integration.
			Host-Nation	<ul style="list-style-type: none">• Significant majority in favour of integration.
		Competition between Political Parties		<ul style="list-style-type: none">• Possible given overall political consensus regarding the desirability of integration.
	Social-Political Structure	Ethnic Homogeneity of Territory		<ul style="list-style-type: none">• Not necessary. Balanced ethnic mix of the territory, however, can lead to amalgamation of groups.
		Ethnic Segmentation		<ul style="list-style-type: none">• Possible at very low level in selected areas, e.g., folk and religious customs.
		Numerical Balance between Groups		<ul style="list-style-type: none">• Not necessary.
		Power Balance between Groups		<ul style="list-style-type: none">• Not relevant, as ethnic divisions will fade.
Conditions In the Host-State	Internal Policies		<ul style="list-style-type: none">• Integration without force.• Facilitating longer transition periods.• Not perceiving remaining differences as threat.• High cross-party consensus in approval of settlement, including the acceptance of remaining differences.	
	External Policies		<ul style="list-style-type: none">• Normal bilateral relations with kin-state.	
Conditions In the Kin-State	Internal Policies		<ul style="list-style-type: none">• High cross-party consensus in approval of settlement.	
	External Policies		<ul style="list-style-type: none">• Non-interference policy. Surrendering all territorial claims. No instrumentalisation of the external minority for irredentist or other potentially destabilising policy agendas.	
International Context	<ul style="list-style-type: none">• Pressures/incentives to settle the dispute.• No pressures/incentives to re-escalate the conflict.• No destabilising external involvement.			

Remaining aspects of conflict, such as about linguistic rights, are resolvable within the framework of the settlement and through exclusively peaceful and democratic means and do not put into question the desirability of integration as such. In general, the number of contentious issues that can potentially be ethnicised is rather low, the degree of co-operation between regional and central elites as well as between Alsations and French from other parts of the

country is high. For some time now, regional elites have seen themselves as representing the entirety of the territory's population and their interests, rather than only one particular, ethnically defined section, as was the case in the inter-war period. A regional loyalty, based on common regional interests, has helped the integration process. Cleavages that exist are based on categories of class, ideology, or religion and are not perceived in ethnic terms.

While the degree of integration can vary from case to case, the example of Alsace has shown that it is important that integration policies are not carried out with force, and that there exists a tradition of compromise over varying degrees of integration in different areas of society that would allow the group that is to be integrated to retain a number of features of its distinct identity, e.g., customary, linguistic, and religious aspects, for all of which successive post-war French governments have made allowances. These remaining cultural differences are not perceived as threatening and do therefore not necessitate forceful assimilation. Integration in Alsace is based on broad cross-party consensus with no major political party opposing it.

Concerning the relationship to Germany, there has been no interference in the integration process after 1945 and no territorial claims were made. On the other hand, historically evolved cross-border ties have not been severed; rather, they have contributed to the working of the integrationist settlement as they have enabled cultural contacts and exchanges without endangering the integration of Alsatians into French culture and society. While this generally requires that there is high cross-party consensus in the kin-state that keeps irredentist claims in check and ensures that changes in government do not affect the kin-state's external minority policy, Franco-German reconciliation and the integration of Germany into European and transatlantic alliances have made this issue almost irrelevant, thus providing an international context in which the incentives to maintain the settlement were overwhelming and from which no destabilising influence originated.

In general, integration as a model solution for ethno-territorial cross-border conflicts is very unlikely to be based on formal agreements or treaties between the conflict parties. There may be, in a wider international framework, treaties between the two involved states regulating

the question of sovereignty. Internally, there might be specific institutional arrangements on a very limited number of issues, yet generally the formerly disputed territory is likely to be treated exactly the same as any other unit within the general unitary, regional, or federal structure of the host-state.

Once the process of integration has been completed, it is normally not reversible, except through a policy of deliberate dissimilation, similar to the one Nazi Germany carried out against the Jewish population in Germany after 1933. The very nature of integration will mean that within the course of one or two generations ethnic issues will cease to play a role in the public sphere, as is very obvious from the present situation in Alsace. This exponentially decreases the ability to instrumentalise them in internal or external power struggles to any great degree. The stability of the host-state and its government will therefore not depend upon this particular 'ethnic' issue. With respect to the kin-state, this is generally true as well, provided that no major political party or other organisation pursues an irredentist agenda. Direct negative affects on regional stability are unlikely.

Consociation

As regards the traditional consociational arrangement, most of Lijphart's assumptions about 'favourable conditions for consociational democracy' could apparently be verified in the study of South Tyrol.⁶³³ Overarching, i.e., territorial, loyalties, the number of political parties in each ethnic group, about equal size of the ethnic groups, and the existence of some cross-cutting cleavages with otherwise segmental isolation were all found in part either essential or helpful for the stability of the consociational settlement in South Tyrol.

⁶³³ Cf. Arend Lijphart, *Democracy in Plural Societies* (New Haven, CT, and London, UK: Yale University Press, 1977), pp. 53-103.

Stability Criteria of a Consociation

General Conditions	Historical Context		<ul style="list-style-type: none">• At least sporadic tradition of compromise and co-operation.• Area as joint settlement rather than as colony.• Social and emotional ties between external minority and kin-state still strong.	
	Sovereignty		<ul style="list-style-type: none">• Remains with host-state.	
	Structure		<ul style="list-style-type: none">• Internal, potentially bilateral in the process of getting there.	
	Differences		<ul style="list-style-type: none">• Managing.	
	Reversibility		<ul style="list-style-type: none">• Reversible.	
Conditions in the Disputed Territory	Inter-Ethnic Situation	Level and Nature of Conflict Remaining		<ul style="list-style-type: none">• Below threshold of violence.• Not about the principle of consociation.• Resolvable within the framework of the settlement.
		Number of Problem Issues		<ul style="list-style-type: none">• Must be overall small.
		Degree of Co-operation between Elites		<ul style="list-style-type: none">• Must be high. Helpful at bilateral level.
		Degree of Co-operation between Ethnic Groups		<ul style="list-style-type: none">• Can be limited.
		Political Consensus Groups/Elites		<ul style="list-style-type: none">• Must be high.
		Competition between Political Groupings		<ul style="list-style-type: none">• Must be low, preferably two-party system.
		Joint Interests		<ul style="list-style-type: none">• Necessary.
		Cleavages		<ul style="list-style-type: none">• Some cross-cutting cleavages helpful, e.g., ideological or class.
	Intra-Ethnic Situation	Political Consensus over Ultimate Goal	External Minority	<ul style="list-style-type: none">• Majority satisfied with internal settlement.
			Host-Nation	<ul style="list-style-type: none">• Majority satisfied with internal settlement and with the empowering of the external minority.
		Competition between Political Parties		<ul style="list-style-type: none">• Must be low, preferably one catch-all party in each ethnic group with a basis broad enough to prevent the rise of radical splinter groups.
	Social-Political Structure	Ethnic Homogeneity of Territory		<ul style="list-style-type: none">• Not necessary.
		Ethnic Segmentation		<ul style="list-style-type: none">• Possible, and to some degree even desirable, in a limited number of clearly defined areas, e.g.; education, language, religion.
		Numerical Balance between Groups		<ul style="list-style-type: none">• Should be about equal.
		Power Balance between Groups		<ul style="list-style-type: none">• Necessary.
Conditions in the Host-State	Internal Policies		<ul style="list-style-type: none">• Pluralistic.• Willing to acknowledge and manage differences.• Impartially mediating, and where necessary arbitrating, between the groups.• Impartially administering the achieved settlement.• High cross-party consensus in approval of settlement.	
	External Policies		<ul style="list-style-type: none">• Co-operation with kin-state on issues of mutual interest.• Honouring the degree of involvement granted to the kin-state in the settlement, including the extent of the special relationship with its kin-group.	
Conditions in the Kin-State	Internal Policies		<ul style="list-style-type: none">• High cross-party consensus in approval of settlement.	
	External Policies		<ul style="list-style-type: none">• Non-interference in the policies of implementing and operating the settlement beyond the degree determined in the agreement. No instrumentalisation of the external minority for irredentist or other potentially destabilising policy agendas.	
International Context	<ul style="list-style-type: none">• Pressures/incentives to settle the dispute.• No pressures/incentives to re-escalate the conflict.• No destabilising external involvement.			

The particularity of the conflict type examined here and illustrated in the case of South Tyrol, however, allows to define a number of more specific stability criteria and to discard others. The size of the territory, for example, and its direct and indirect internal and external effects discussed by Lijphart do not matter in the same way, as, by virtue of the nature of cross-border ethnic conflicts, the territory in dispute will be rather small in size and population.

Similarly, the tradition of compromise emphasised by Lijphart is not as essential as the question of whether the territory is an area of joint settlement or colonisation. The gradual weakening of the emotional ties between the external minority and its kin-state, in addition, can have a significant positive impact on the stability of the settlement as a whole.

The more specific criteria that were the source of stability for the South Tyrolean consociation can be determined as follows. Sovereignty remained unquestioned with Italy. All remaining issues of conflict were gradually resolved within the agreed institutional framework and without taking recourse to violence; and the institutions have proven flexible enough over the years to accommodate changes in the interest structures of the two ethnic groups in the province. None of the issues that occurred were about the essence of the settlement as all involved conflict parties accepted the consociational structure agreed in 1969 as the best possible solution. Overall, the number of issues with a strong ethnic component has remained very small. While the degree of co-operation between the ethnic groups has varied over time, but has generally increased, especially among the younger and urban sections of the population, that between their respective elites has always remained high. Gradually, a set of common territorial interests and an existing loyalty to the territory have developed and proven to be advantageous for the stability of the settlement.

In general, a majority within both ethnic groups has been satisfied with the nature of the internal settlement. The empowerment of the South Tyrolese has been acceptable to both the Italians in the province and the region and to the institutions of the Italian state. The segmentation between the groups in clearly defined areas, such as education, language, and religion, where community-specific rather than inter-communal issues are at stake, has been similarly accepted. A recent trend towards greater integration, especially in the education sector has not been embraced by all sections of both communities, but has not led to any tensions either. More importantly, the consociational arrangement in South Tyrol has provided a fair distribution of political power between the two groups.

In its policy approach, Italy has been following a pluralistic course, demonstrating its willingness to acknowledge and manage differences rather than to suppress or eliminate them. State institutions have, where necessary, mediated between the ethnic groups, or played the role of an arbitrator. In the process of implementing the agreed settlement, Italy has been an impartial administrator, independent of the various governments in office during this lengthy process, which was possible because of the high level of cross-party consensus among the political parties in Rome with respect to the desirability of the success of the 'Paket' solution. Externally, co-operation with Austria has not been a problem.

Austria, on its part, has ensured a high overall level of cross-party consensus approving the settlement after it had already surrendered any territorial claims vis-à-vis Italy in the 1946 Paris Agreement. Thus, the country has abstained from any policies aimed at destabilising the consociational settlement, but rather has contributed to its long-term stability. Austria's accession to the European Union in 1995 has been the latest in a sequence of steps the country took towards closer integration with European institutions. The international context has thus generally been very favourable towards the preservation and stability of the consociational settlement in South Tyrol, even to the extent that a number of European regulations have been suspended in the province in order to avoid a destabilisation of the situation.

In principle, consociational settlements can be reversed and are therefore of a less permanent character. Apart from the degree to which all parties involved are committed to the preservation of the consociation, reversibility also depends upon the constitutional and other legislative safeguards of the consociational settlement. While the ethnic groups will depend upon each other in a consociational settlement, they nevertheless retain a certain amount of power to determine their own affairs and to prevent each other from imposing unacceptable living conditions on one another. This makes a consociation a much more attractive *modus vivendi*, yet at the same time, mutual dependence and the preservation of ethnic differences increase the possibility of new conflict being instrumentalised at various levels of the political process. This way, the political stability of the mixed territory and the host-state itself, as well as

that of the territorial and national governments, becomes more dependent upon the satisfactory functioning of the consociation. To some extent, this improves the bargaining position of the minority. However, on the other hand, it also forces all the parties involved to be prepared to make compromises to accommodate core demands of the ethnic groups and the two states. Once the former conflicting parties have realised that a consociation is a mutually beneficial settlement, an almost paradoxical situation arises – the mere possibility of reversibility makes a consociation more stable because the actors participating in it have a genuine interest in maintaining it, and thus in preventing potentially dangerous developments.

External Settlement: Secession

In contrast to integration and a traditional consociation, this form of settlement implies a change of sovereignty over the territory in question. Taking the case of the Saarland as an example, a secession is also likely to be regulated in a complex international and/or bilateral treaty involving the two states affected, either with or without their respective kin-groups as equal partners, and potentially other international actors. Ideally, as in the case of the Saarland, the change in sovereignty reverses only a recent similar event so that neither strong institutional ties with the host-state have grown, nor traditional ties with the kin-state been severed. Exceptions from this rule are possible, especially if secession is viewed as a widely acceptable and all around beneficial arrangement.

In the Saarland, the pro-German segment of the population clearly dominated the seceding territory demographically. Concluding from post-secession developments in the Saarland, such a settlement will be more stable if significant sections of the other ethnic group(s) living in the same territory do, at the very least, not object to the secession and ethnic segmentation is at low level with no ethnic dominance existing.

Stability Criteria of a Secession

General Conditions				
General Conditions	Historical Context		• Only recent change in sovereignty. • Social and emotional ties between external minority and kin-state still strong.	
	Sovereignty		• Is transferred to kin-state.	
	Structure		• Bilateral: external.	
	Differences		• Mostly eliminating, partly managing.	
	Reversibility		• Normally not reversible.	
Conditions in the Disputed Territory	Inter-Ethnic Situation	Level and Nature of Conflict Remaining		• Below threshold of violence. • Not about the principle of secession. • Resolvable within the framework of the settlement.
		Number of Problem Issues		• Must be overall small.
		Degree of Co-operation between Elites		• Must be high.
		Degree of Co-operation between Ethnic Groups		• Must be high.
		Political Consensus Groups/Elites		• Must be high.
		Competition between Political Groupings		• Possible given overall political consensus.
		Joint Interests		• Helpful.
		Cleavages		• Must be cross-cutting.
	Intra-Ethnic Situation	Political Consensus over Ultimate Goal	External Minority	• Majority in favour of secession.
			Host-Nation	• Significant section not objecting to secession.
	Competition between Political Parties		• Possible given overall political consensus regarding the desirability of secession.	
	Social-Political Structure	Ethnic Homogeneity of Territory		• Necessary at high level.
		Ethnic Segmentation		• Possible at very low level. The higher the remaining level of ethnic distinctiveness between the groups, the more likely will secession have to be combined with a new internal settlement to accommodate the rights and interests of the new minority.
		Numerical Balance between Groups		• Must be in favour of group wishing to secede.
		Power Balance between Groups		• Should be such that 'new' minority is satisfied with arrangements.
Conditions in the Host-State	Internal Policies		• Allowing for smooth process of secession. • Ensuring safeguards for section of the host-nation remaining in the seceding territory. • Providing options for resettlement and compensation. • High cross-party consensus in approval of settlement, including the preparedness to participate in negotiations on an additional internal settlement for the formerly disputed territory.	
	External Policies		• Co-operation with the kin-state to arrange for a smooth period of transition from one sovereignty to another, including issues of compensation and resettlement.	
Conditions in the Kin-State	Internal Policies		• High cross-party consensus in approval of settlement. • Acceptance of the obligations deriving from the secession vis-à-vis the new territory and its population. • Providing, where necessary, special institutional arrangements to accommodate other ethnic group(s) in the seceding territory.	
	External Policies		• Co-operation with the former host-state to arrange smooth period of transition from one sovereignty to another.	
International Context	• Pressures/incentives to settle the dispute. • No pressures/incentives to re-escalate the conflict. • No destabilising external involvement.			

As was the case with the secession of the Saarland, it is important that aspects of conflict that remain after the secession either between the different sections of the population in the seceding territory, between the two states involved, or between them and parts of the population (one or more ethnic groups) must be resolvable within the framework of the settlement by democratic and non-violent means, which may include transitional arrangements.

or special additional settlements for the protection of a new minority, e.g., a consociational settlement within the disputed territory. In the case of the Saarland, it has contributed to the stability of the secessionist settlement that the number of contentious issues has been low and the degree of co-operation between the pro-German and pro-French sections of the population and their respective elites has been high. It is reasonable to assume that similar conditions in an ethnically more plural environment would likewise contribute to the stability of the settlement. By the same token, cleavages of a crosscutting nature, joint interests, and cross-communal territorial loyalty will help the stability of the secessionist solution, as they did in the case of the Saarland.

As regards state policies, to a large extent, the stability of the settlement will depend upon how smoothly the process of transition from one sovereignty to another is arranged – a process that is in the responsibility of both states involved. France contributed to this process by ensuring that there were safeguards in place protecting the pro-French section of the population in the Saar after secession, while simultaneously providing options for resettlement. In general resettlement and compensation (which can be jointly funded with the kin-state) for those who do not want to live in another state limit the potential for future conflict to arise. While it was not an issue in relation to the Saar conflict, it is generally necessary for the long-term stability of a secessionist settlement that the former host-state prevent the emergence of an irredentist movement and does itself not pursue any policies that are aimed at a 'recovery' of the 'lost' territory or could have otherwise destabilising consequences for the negotiated settlement. In the longer term, secession, as any other settlement, depends upon the commitment of all conflicting parties to honour the agreement once it is achieved – and the Saarland and Franco-German relations are a good example how this can contribute to ensuring settlement stability. Therefore, a high and lasting cross-party consensus among the political parties of the (former) host-state is essential.

The kin-state, to which sovereignty over the contentious area is transferred, must not only ensure that the initial period of transition is smooth, as Germany did, but has also to accept

the obligations deriving from the secessionist settlement vis-à-vis the new territory and its population. In this context, Germany and France negotiated some transitional arrangements before the Saar was fully integrated into the Federal Republic. More generally, in case of a secessionist settlement for an ethno-territorial cross-border conflict, it depends upon the ethnic composition of the seceding area, the degree and direction of the territorial interest structure, and the extent to which a territorial loyalty has already developed among all the ethnic groups living there, whether a secession will be combined with specific institutional arrangements for the seceding territory after its incorporation into the other state. These can range from granting it federal or regional status or involve autonomy arrangements to take account of specific ethnographic features, or, as has been indicated above, include a consociational arrangement.

Conditions in the international context need to be such that all the conflict parties see greater benefits from maintaining the secessionist settlement stable, rather than re-escalating an already solved conflict. Western European and Nato integration have provided such a context in the case of the Saar, as they facilitated Franco-German reconciliation and the emergence of a supra-national institutional structure in which borders became less and less important.

Normally, a secession is not reversible except in cases of conquest. This puts a number of limits on the ability of the ethnic groups involved to determine their own affairs. Specific post-secession territorial arrangements, e.g., autonomous or federal status of the seceding territory, can be put in place as a form of compensation. In general, the new host-state has to adopt policies to prevent potential conflicts on its new territory that could threaten either its own stability or that of the entire region. From that perspective, the irreversibility of a secessionist settlement requires the former host-state to prevent a politically influential irredentist movement from emerging, which, however, is more likely to play a part in the domestic power struggle of this state if a dissatisfied and articulate kin-group remains as a minority on the seceding territory and if a sufficiently well-placed and skilled lobby of emigrants from this territory can exercise influence on foreign policy making. Thus, irreversibility does not necessarily result in stability.

Bilateral Settlements

Consociation with Permanent and Formal External Involvement

The relatively short period that has passed after the conclusion of the Good Friday Agreement and its so far incomplete implementation do not allow a conclusive assessment of the criteria conducive to the stability of this type of settlement. However, based on the analysis of the agreement, the previous failures of conflict resolution in Northern Ireland, and the study of the nature of the conflict, it is reasonable to assume that the long-term stability of the agreement will crucially depend on the conditions summarised in the following overview. In the short term, not all of these criteria need to be met simultaneously or to their full extent. This will mean that the agreement structures will be vulnerable to attacks for some time, and that there will be a measure of uncertainty over the long-term success of the proposed settlement, both of which should not come as a surprise given the recent history of the Northern Ireland conflict.

The basic difference between this solution model and the one discussed above as a traditional consociation is that here there are formal institutionalised structures that guarantee the involvement of the kin-state in the actual operation of the settlement. For example, although the United Kingdom did not surrender its sovereignty over Northern Ireland in the Good Friday Agreement, it accepted a formal and permanent role to the Republic of Ireland in the political process of the province.

As Northern Ireland and its two communities are generally treated as one political unit, the settlement must, in the long term, have the capacity to accommodate all remaining conflictual issues by democratic and peaceful means. In the short term, it might be sufficient to reach compromise on some issues, while others are deferred. In order to provide the settlement with a high degree of stability, the number of contentious, ethnicised issues must decrease over time. Since the institutional framework of this settlement is, internally, not essentially different from that of a traditional consociational arrangement, and thus makes the ethnic groups depend upon one another, the degree of elite co-operation must be high and the level of political consensus among both communities and their elites must also be sufficiently well developed.

Stability Criteria of a Consociation with Permanent and Formal External Involvement

Stability: Criteria of a Consociation with Permanent and Formal External Involvement				
General Conditions	Historical Context		<ul style="list-style-type: none">• Area as joint settlement rather than colony.• Emotional ties between external minority and kin-state weakening.	
	Sovereignty		<ul style="list-style-type: none">• Remains with host-state.	
	Structure		<ul style="list-style-type: none">• Bilateral: internal.	
	Differences		<ul style="list-style-type: none">• Managing.	
	Reversibility		<ul style="list-style-type: none">• Reversible.	
Conditions in the Disputed Territory	Inter-Ethnic Situation	Level and Nature of Conflict Remaining		<ul style="list-style-type: none">• Below threshold of violence.• Not about the principle of this kind of consociational set-up.• Resolvable within the framework of the settlement.
		Number of Problem Issues		<ul style="list-style-type: none">• Must be overall small.
		Degree of Co-operation between Elites		<ul style="list-style-type: none">• Must be high. Helpful at bilateral level.
		Degree of Co-operation between Ethnic Groups		<ul style="list-style-type: none">• Can be limited.
		Political Consensus Groups/Elites		<ul style="list-style-type: none">• Must be high.
		Competition between Political Groupings		<ul style="list-style-type: none">• Must be low, preferably two-party system.
		Joint Interests		<ul style="list-style-type: none">• Necessary.
		Cleavages		<ul style="list-style-type: none">• Some cross-cutting cleavages helpful, e.g., ideological or class.
	Intra-Ethnic Situation	Political Consensus over Ultimate Goal	External Minority	<ul style="list-style-type: none">• Majority satisfied with internal settlement with sufficient cross-border dimension.
			Host-Nation	<ul style="list-style-type: none">• Majority satisfied with internal settlement, with the empowering of the external minority, and not resisting the cross-border dimension.
		Competition between Political Parties		<ul style="list-style-type: none">• Must be low, preferably one catch-all party in each ethnic group with a basis broad enough to prevent the rise of radical splinter groups.
	Social-Political Structure	Ethnic Homogeneity of Territory		<ul style="list-style-type: none">• Not necessary.
		Ethnic Segmentation		<ul style="list-style-type: none">• Possible, and to some degree even desirable, in a limited number of clearly defined areas, e.g.; education, language, religion.
		Numerical Balance between Groups		<ul style="list-style-type: none">• Should be about equal.
		Power Balance between Groups		<ul style="list-style-type: none">• Necessary.
Conditions in the Host-State	Internal Policies		<ul style="list-style-type: none">• Pluralistic.• Willing to acknowledge and manage differences.• Impartially mediating, and where necessary arbitrating, between groups at territorial level.• Willing to co-operate with kin-state in 'internal' affairs.• High cross-party consensus in approval of settlement.	
	External Policies		<ul style="list-style-type: none">• Co-operation with kin-state within the agreed institutional framework.• Ensuring joint policy-making and implementing in the appropriate areas.	
Conditions in the Kin-State	Internal Policies		<ul style="list-style-type: none">• High cross-party consensus in approval of settlement.	
	External Policies		<ul style="list-style-type: none">• Co-operation with host-state and both ethnic groups within the (two) institutional framework(s) provided by the settlement. No instrumentalisation of the external minority for irredentist or other potentially destabilising policy agendas.	
International Context	<ul style="list-style-type: none">• Pressures/incentives to settle the dispute.• No pressures/incentives to re-escalate the conflict.• No destabilising external involvement.			

Both propositions appear difficult to accomplish with a view to the development of the conflict over the past thirty years. Elite co-operation in particular is always likely to be under pressure from radical sections within each community as long as the intra-communal party systems remain fractured. Functioning elite co-operation, however, will be key to the possibility of a

limited degree of inter-group co-operation. The further development and recognition of cross-cutting cleavages, for example, in relation to class and ideology might also prove conducive to increased settlement stability.

For the future of the Good Friday Agreement it will be essential that some degree of political consensus is generated among both communities that encompasses the institutional framework of the settlement. That is, the majority of the nationalist community must eventually be content with the internal settlement and the degree of cross-border co-operation included, while a majority within the Unionist community must not reject this same cross-border dimension as undue external interference. While there is room for segmental isolation in a small number of clearly defined areas, all tendencies towards domination by one group must be avoided. Political power between both communities must be visibly well balanced. A small number of political parties in each community or the clear dominance of one to two parties with generally similar agendas will bring more stability to the whole system, because group interests will be represented in a more homogeneous way and the flexibility of political leaders to compromise will increase. In the short term, it might be sufficient to maintain a sufficiently broad coalition of pro-agreement parties and politicians, provided that they can assert their influence over significant sections of their respective communities, a condition that was crucially missing from the Sunningdale process.

As regards British Northern Ireland policies, there will need to be a continued willingness to acknowledge and manage differences within the pluralistic structure of institutions provided by the Good Friday Agreement. The United Kingdom must continue to take a mediating, and where necessary arbitrating, position between the two communities and act impartially in the process of implementing and operating the settlement. Such a policy and an active preparedness to co-operate with the Republic of Ireland, i.e., to accept joint responsibility for the making and implementing decisions in clearly defined areas, must be carried by a broad cross-party consensus.

The Republic of Ireland, as any other kin-state in a similar situation, must ensure a similarly high degree of cross-party consensus and needs to be prepared to co-operate with the British government and both communities in Northern Ireland within the institutional frameworks provided by the jointly agreed settlement.

The complexity of the Northern Irish situation will continue to require, at least in the short and medium term, international involvement to a considerable extent, ensuring the full implementation and subsequently the operation of the Good Friday Agreement. To that extent, Northern Ireland is a special case of this type of settlement for ethno-territorial cross-border conflicts. Yet even where this direct involvement is not necessary, the conditions in the international context must be of such a nature that the cost-benefit ratio for all parties is in favour of working for the preservation of the settlement, thus ensuring its long-term stability.

The permanent institutional involvement of the kin-state into the operation of the settlement decreases the degree to which this kind of consociational settlement is in general reversible, as it introduces a further layer of safeguards against the unilateral ending of the arrangements. On the other hand, however, the kin-state is rendered more vulnerable to the 'conflict' becoming a permanent issue in its domestic political process. From this perspective, the kin-states political stability becomes more dependent upon the satisfactory operation of the consociational settlement adopted in the formerly disputed territory. This way, the kin-state becomes genuinely interested in permanently resolving the conflict. This, in turn, increases the stability of the adopted settlement, and thus decreases the likelihood of its reversal. A similar effect results from the fact that both ethnic groups now have their respective mother countries permanently 'on board' to safeguard their interests. Any change in this situation would be to the disadvantage of at least one of them directly, and indirectly to both of them, as the failure of the settlement would likely lead to a re-escalation of the conflict, which could then prompt the two states to move towards joint sovereignty. To some extent, therefore, the complexity of the mechanisms at work in a consociation with permanent external involvement decreases the

likelihood of it being reversed as its success is essentially an interest shared by all former conflict parties.

A Democratised Condominium

Similar to the discussion of the criteria conducive to the stability of a consociational settlement with permanent and formal external involvement, the following are only reasonable assumptions based on the study of factors that influence ethno-territorial cross-border conflicts in general and of two condominiums in particular. With no democratised condominium thus far applied as a solution to this type of conflict, these conditions could not be tested in practice. Even though the following analysis is speculative, it contributes to the overall purpose of this study in that it provides a framework of likely conditions that would be necessary for the successful implementation and long-term stability of a democratised condominium as settlement for the particular type of conflict under examination. These conditions are summarised in the following overview.

Of all the different types of conflict settlement analysed, a condominium-style arrangement along the lines proposed here is certainly the most unusual, but handled properly it has the same likelihood of success as all the others. The devolution of sovereignty to the ethnic groups and their independent decision on the degree of integration with their respective kin-states are the two primary characteristics of this kind of settlement. A condominium is nevertheless in essence a bilateral arrangement. It seeks to manage differences, yet, through the use of mechanisms of non-territorial autonomy, it partly also eliminates them, or at least makes them less important. As all other settlement types, the stability of a condominium depends upon the absence of violence, and on the remaining conflict issues being few and resolvable within the institutional framework established. The degree of inter-ethnic elite co-operation needs to be high at the territorial level. The same holds true for the necessary political consensus among both elites and ethnic groups about the desirability of the condominium solution. The existence of joint interests is certainly helpful as is the institutional independence of the two groups from one another.

Stability Criteria of a Democratised Condominium

General Conditions	Historical Context		<ul style="list-style-type: none">• Limited tradition of compromise helpful.• Both ethnic groups should have maintained ties with their respective kin-nations/kin-states.	
	Sovereignty		<ul style="list-style-type: none">• Devolved to the ethnic groups involved in the settlement process. From them powers can be reassigned to their respective kin-states.	
	Structure		<ul style="list-style-type: none">• Bilateral.	
	Differences		<ul style="list-style-type: none">• Mostly managing, partly eliminating.	
	Reversibility		<ul style="list-style-type: none">• Reversible.	
Conditions in the Disputed Territory	Inter-Ethnic Situation	Level and Nature of Conflict Remaining		<ul style="list-style-type: none">• Below threshold of violence.• Not about the principle of condominium status for the disputed territory.• Resolvable within the framework of the settlement.
		Number of Problem Issues		<ul style="list-style-type: none">• Must be overall small at territorial level.
		Degree of Co-operation between Elites		<ul style="list-style-type: none">• Must be high at territorial level.• Not necessary at non-territorial level. Helpful at bilateral level.
		Degree of Co-operation between Ethnic Groups		<ul style="list-style-type: none">• Can be extremely limited at territorial level.• Not necessary at non-territorial level.
		Political Consensus Groups/Elites		<ul style="list-style-type: none">• Must be high at territorial level.• Not necessary at non-territorial level.
		Competition between Political Groupings		<ul style="list-style-type: none">• Possible given overall political consensus.
		Joint Interests		<ul style="list-style-type: none">• Helpful.
		Cleavages		<ul style="list-style-type: none">• No cross-cutting cleavages necessary.• The more segmentally independent both communities are, the easier is their institutional separation from one another and the possibility of asymmetric (re-) integration into their respective kin-states.
	Intra-Ethnic Situation	Political Consensus over Ultimate Goal	External Minority	<ul style="list-style-type: none">• Majority satisfied with condominium settlement and with the degree of group sovereignty over its relationships with the kin-state and former host-state.
			Host-Nation	<ul style="list-style-type: none">• Majority satisfied with condominium settlement and with the degree of incorporation in the host-state.• Not resisting the non-territorial arrangements.
		Competition between Political Parties		<ul style="list-style-type: none">• Possible given overall political consensus regarding the desirability of a condominium status.
	Social-Political Structure	Ethnic Homogeneity of Territory		<ul style="list-style-type: none">• Not necessary.
		Ethnic Segmentation		<ul style="list-style-type: none">• Necessary at high level.
		Numerical Balance between Groups		<ul style="list-style-type: none">• Not necessary.
		Power Balance between Groups		<ul style="list-style-type: none">• Necessary at territorial level as far as areas of joint competence are concerned.
	Conditions in the Host-State	Internal Policies of the Host-State		<ul style="list-style-type: none">• Pluralistic.• Willing to co-operate with kin-state.• Willing to devolve sovereignty to the ethnic groups individually.• High cross-party consensus in approval of settlement.
		External Policies of the Host-State		<ul style="list-style-type: none">• Co-operation with kin-state on issues of common interest.• Ensuring smooth operation of the complex system of devolved sovereignty. Accepting the non-territorial organisation of the formerly disputed territory. Accepting the role of the other state as a partner in the condominium.
	Conditions in the Kin-State	Internal Policies of the Kin-State		<ul style="list-style-type: none">• High cross-party consensus in approval of settlement.
		External Policies of the Kin-State		<ul style="list-style-type: none">• Co-operation with host-state within the adopted institutional structures. No instrumentalisation of the external minority for irredentist or other potentially destabilising policy agendas.
International Context	<ul style="list-style-type: none">• Pressures/incentives to settle the dispute.• No pressures/incentives to re-escalate the conflict.• No destabilising external involvement.			

With respect to the intra-ethnic situation, majorities within both ethnic groups need to be satisfied with the institutional arrangements that are made. Competition between political parties within each group is possible, provided that there is an overall consensus between parties in each group that the preservation of the condominium status is desirable.

It is not necessary that the disputed territory be ethnically homogeneous or that the two groups live in compact settlement areas, although the latter could be, to some extent, helpful. Political power between them must be distributed evenly at territorial level as far as the areas of joint decision-making are concerned.

On an internal level, the former host-state must pursue a pluralistic minority policy and be willing to co-operate with the kin-state. It must be prepared to devolve sovereignty to the ethnic groups in the territory individually and to accept the degree to which they both wish to be integrated with their respective kin-states. A high degree of cross-party consensus is necessary to ensure a continuity of this policy over time. Externally, the former host-state must pursue policies that express its commitment to ensure a smooth operation of the complex system of devolved sovereignty, e.g. it must accept the non-territorial organisation of the formerly disputed territory and the role of the kin-state as a partner in the operation of the condominium.

As for the kin-state, a high internal cross-party consensus over the desirability of the specific settlement adopted is essential to ensure its stability. Externally, co-operation with the former host-state within the institutional framework provided by the settlement is necessary, and it must refrain from instrumentalising its kin-group in the formerly disputed territory for irredentist or otherwise destabilising policy agendas.

Similar to all the other model solutions examined, conditions in the international context will have an effect on the stability of a settlement of this type. In order to contribute to its stability, pressures and incentives originating in the international environment must be directed at the preservation, rather than the destruction of the settlement and no external party should aim at the destabilisation of the democratised condominium.

As far as the reversibility of a condominium-style settlement of this kind is concerned, matters are rather complex. In principle, it is reversible, or more precisely, it is possible to destroy it. What is unclear, however, is what the consequences of such a destruction would be, i.e., what status the territory would have after the suspension of the condominium. Much here depends upon the grounds for the collapse of the institutional framework. If renewed ethnic conflict is the reason, it is likely that, similar to a consociation with permanent and formal external involvement, the two states would adopt a joint sovereignty approach and thus limit the degree to which the ethnic groups would be masters of their own fate. This obvious disadvantage is likely to increase the preparedness of the ethnic groups to work for the stable operation of the condominium. If one of the states unilaterally withdraws support for the settlement, the situation is different. If the remaining agreement parties remain committed to the settlement, it would be most likely that the kin-group of the withdrawing state assumes the role of the 'condominium partner'. Obviously, there would be disadvantages to such a 'crippled' condominium, but given sufficient flexibility, a modified institutional framework would be still be operable along similar lines. The most dangerous constellation of reversibility is a simultaneous withdrawal of support by one of the states and its kin-group, i.e., the renewing of both the ethnic and the territorial conflicts. The likely consequences of such a development (inter-state armed conflict, violent ethnic conflict, and/or proxy ethnic warfare) can not be in the interest of either of the potential conflict parties. Even in a democratic context, this does not make such a development impossible, but it makes it rather unlikely.

X. Conclusion

Over the past two decades, the study of ethnic conflicts has become a popular subject among social scientists, and a number of excellent single and comparative case studies have been produced. Yet, missing thus far, and in particular for the European context, has been an analysis not only of ethnic conflicts and conflict management policies, but also of settlements and the conditions of their lasting stability. By undertaking such a study, drawing on five European and one extra-European conflict, my aim was to begin to fill this gap.

My analysis is distinguished from others in the field in two ways. The first is its methodology. I began with an initial theoretical exploration of the variety of factors influencing the development and settlement of ethno-territorial cross-border conflicts provided the framework of the subsequent study of each individual case. Thus refined through the application to these cases, this framework enabled me reliably to determine the conditions that must be fulfilled to provide lasting stability to a negotiated settlement. The second distinguishing feature is that this set of stability criteria creates a paradigm that has relevance as an analytical tool beyond the case studies conducted in this project. It can be used to design case-specific solutions to actual ethnic conflicts and it can serve as an instrument to recognise instabilities in, and potential breakdowns of, existing settlements sufficiently early to respond to them constructively and to avoid a re-escalation of an already settled conflict.

Two important conclusions can be drawn from the case studies I conducted. First, it is not possible to determine a single unique and optimal model for the solution of ethno-territorial cross-border conflicts. In the end, what matters is not whether a settlement is internal, external, or bilateral, whether it seeks to eliminate or to manage differences, or whether it is easily reversible or not. What is of the most critical importance is that the particular institutional design of the adopted solution fits the needs of the conflict parties. Only if their identities, interests, and needs can be accommodated to a degree that is high enough such that it is possible to generate the commitment among them to implement and sustain a negotiated settlement. Second, the stability of all these model solutions draws from and depends upon the same set of

criteria, and it is the concrete circumstances of each individual conflict that determines their content and thus whether a particular solution can be stable or not.

The paradigm of the analytical framework developed here can thus be used for the study of ethnic conflicts and their settlements elsewhere in the world. Given the particular type of conflict for which it was developed – ethno-territorial cross-border conflict – this framework should prove applicable in the study of, and development of solutions for, ethnic conflicts in Central and Eastern Europe, for example, of the conflicts in Kosovo, Moldova, Chechnya, Abkhazia, South Ossetia, and Nagorno Karabakh.

As such, this study fulfils two purposes – to provide an analysis of ethno-territorial cross-border conflicts in Western Europe and to develop a concrete tool that can be easily applied by analysts and policy-makers.

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